

City of Manchester, NH Welfare Department



GENERAL ASSISTANCE GUIDELINES

MISSION STATEMENT

We provide interim emergency assistance to individuals and families who lack adequate resources to meet their basic needs. We strive to promote self-reliance, independence and self-sufficiency.

INTRODUCTION

The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to General Assistance. These guidelines shall include, but not be limited to, the following:

- (a) The process for application for General Assistance.
- (b) The criteria for determining eligibility.
- (c) The process for appealing a decision relative to the granting of General Assistance.

ROLES OF WELFARE COMMISSIONER & LOCAL GOVERNING BODY

The responsibility for the day-to-day administration of the General Assistance Program shall be vested in the elected Welfare Commissioner of the City of Manchester. The Welfare Commissioner shall administer the General Assistance Program in accordance with Federal Legislation, RSA 165 and the City of Manchester General Assistance Guidelines. The local governing body (The Board of Mayor and Aldermen) is responsible for the adoption of the Guidelines relative to General Assistance. RSA 165:1-II

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I. DEFINITIONS

For the purposes of these guidelines, the following terms have the indicated meaning:

ADVERSE ACTION: A Notice of Decision documenting reduction, suspension, or ineligibility of assistance.

ALLOWABLE EXPENSE: An expense that the Welfare Official may allow a client to spend their own money/resources on, but that the Welfare Department does not provide payment for.

APPLICANT: A person or persons requesting General Assistance, who have not yet completed the intake process. In these Guidelines, the term applicant is used to designate one or more persons.

APPLICATION FOR ASSISTANCE: The form by which a person requests assistance from the City of Manchester Welfare Department.

ARREARAGE: Past due amount(s).

ASSETS: All cash, real estate property, personal property and future interests owned by the applicant/client; including, but not limited to: annuities, insurance awards, tax refunds, retroactive government and insurance payments, expectancies, etc.

AVAILABLE LIQUID ASSETS: Assets readily convertible to cash. See exclusions in Determination of Eligibility; section VII-C, 1 of these Guidelines. Available liquid assets include, but are not limited to: bank accounts, credit union accounts, stocks, bonds, brokerage accounts, securities, tax refunds, tax sheltered funds (IRA, 401K or 403B accounts, etc.), retirement funds, pension funds or insurance policies with a loan value. Non-essential personal property shall be considered as available liquid assets when they have been converted into cash.

BASIC NEEDS: The essential maintenance and support requirements of a person, as determined under the Standard of Need section VII-D, of these Guidelines.

CASE RECORD: Official City of Manchester Welfare Department files containing forms, documents, correspondence and narrative records pertaining to the application.

CLAIMANT: A client who has requested a Fair Hearing, either in person or through an authorized representative.

CLIENT: A person or persons with an open case at the City of Manchester Welfare Department. In these Guidelines, the term client is used to designate one or more persons.

CLIENT INFORMATION UPDATE SHEET: The form utilized for providing the Welfare Official with any and all changes affecting the client's household circumstances, since the last time the client was seen by a Welfare Official.

COMPLIANCE: Fulfilling all official requirements and adhering to these Guidelines and all Notices of Decision.

CONTACT: A Notice of Decision or a client's phone call or visit to the City of Manchester Welfare Department, requesting assistance from a Welfare Official.

CONTACT SHEET: The form utilized to obtain basic information to determine the applicant's present circumstances and their request for assistance.

COSIGNER: A person(s), institution or entity, whose signature appears on a contract, lease, loan, promissory note or other obligatory instrument making him/her liable to fulfill the terms thereof.

ELIGIBILITY: A determination made by a Welfare Official in accordance with RSA 165 and these Guidelines, of an applicant/client who qualifies for General Assistance.

FAIR HEARING: A proceeding, in accordance with the standards described in the Fair Hearings section of these Guidelines, as a result of a client appealing an adverse action.

FAIR HEARING REQUEST FORM: The form that is to be completed in writing by the claimant and submitted to the Welfare Official to request a Fair Hearing. (Appendix H)

FAMILY UNIT: The applicant/client and any related or unrelated person(s) residing with the applicant/client. Family unit includes, but is not limited to:

- a. A person "in loco parentis", that is, one who intentionally accepts the rights and duties of a natural parent with respect to a child, who is not his/her own child and who has lived with the child long enough to form a psychological family; or
- b. Two unmarried adults who live together and who have produced a child.

FINANCIAL RESOURCES: Include all assets tangible and intangible, available liquid assets, financial assistance from relatives, friends, other household members, or other sources (ie. charitable agencies, non-profit agencies, etc).

FULL TIME EMPLOYMENT: Minimum 35 hours or more per calendar week.

GENERAL ASSISTANCE: The term used for local welfare programs administered and funded by each city and town in New Hampshire.

HOME VISIT: A visit to the abode of any applicant or client.

HOUSEHOLD: The total number of persons living together, who share in or benefit from shelter and other expenses and services.

INELIGIBILITY: A determination made by a Welfare Official in accordance with RSA 165 and these Guidelines, of an applicant/client who does not qualify for General Assistance.

INTAKE: The initial interview at which time the application is processed by a Welfare Official to determine eligibility. This action initiates an open case.

LANDLORD: The property owner(s)/authorized agent(s) of a valid rental property.

LIABILITY FOR SUPPORT: Legally liable relatives deemed under RSA 165:19 to have financial responsibility for person(s) applying for General Assistance.

LICENSED MEDICAL PROVIDER: A Physician, a Physician's Assistant, a Nurse Practitioner or a Dentist, who is licensed to practice in the State of New Hampshire.

MANCHESTER EMERGENCY HOUSING (MEH): Homeless family shelter funded by the City of Manchester.

MINOR: A person who has not attained the age of eighteen (18) years.

NEED: The basic maintenance and support requirements of a person, as determined by a Welfare Official under the standards described in the Determination of Eligibility section of these Guidelines.

NON-RESIDENT: A person temporarily in the City of Manchester while his/her residence is elsewhere.

NOTICE OF APPLICATION/CONTACT: The form used to detail the status of an applicant's request for assistance.

NOTICE OF DECISION: The form used to detail the determination(s) made by the Welfare Official (i.e., approved, pending, ineligible, suspended or withdrawn).

OPEN CASE: Beginning an applicant's intake interview with a Welfare Official initiates an open case.

REAL ESTATE: Land, as well as structures and fixtures attached to it.

REFERRAL: Any agency or other entity to which the City has sent an applicant/client to apply for additional resources and/or assistance.

REIMBURSEMENT: Repayment of assistance rendered by the City of Manchester Welfare Department, pursuant to RSA 165.

RELIEVE AND MAINTAIN: The sustaining of basic needs necessary to the health and welfare of eligible household members.

RESIDENCE/RESIDENCY: An applicant's/client's place of abode or domicile. The place of abode or domicile is that place designated by an applicant/client as his/her principal place of physical presence, for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by temporary absence from it, if there is intent to return to such residence or residency as the principal place of physical presence. (RSA 165:1-I; RSA 21:6-a)

ROOMMATE(S): A person(s) who is/are financially responsible for himself/themselves and living with an applicant/client.

SHELTER: A temporary housing location which provides an individual or family with emergency housing.

SUSPENSION: Period of ineligibility of assistance, due to noncompliance with these Guidelines and any Notices of Decision. (RSA 165:1-b)

UTILITY: Any service, such as electric, gas, oil, water or sewer, necessary to maintain the health and welfare of a household.

VENDOR/PROVIDER: Any landlord, utility company, store or other business that provides goods or services and who are established with the City of Manchester Finance Office.

VERIFIABLE GOOD CAUSE: Includes, but is not limited to, a verified medical emergency, or other verified unforeseen emergency circumstance, which precludes the individual from fully complying with mandated requirements.

VOUCHER SYSTEM: The system whereby a Welfare Official issues vouchers (authorizations for payment) directly to vendors, rather than issuing cash. (RSA 165:1-III) (See Disbursements Section of these Guidelines)

WELFARE COMMISSIONER: The Welfare Commissioner of the City of Manchester is an elected official, serving a two (2) year term, charged with operation of the City of Manchester Welfare Department.

WELFARE OFFICIAL: The official of the town or city, or his/her designee, who performs the function of administering General Assistance. Such person has the authority to make all decisions pertaining to the granting of assistance under RSA 165.

WORKING DAYS: Monday through Friday, excluding City of Manchester observed holidays.

II. MAINTENANCE OF RECORDS

- A. The Welfare Commissioner is required by law to keep complete records of General Assistance in addition to general statistical records concerning the number of persons given assistance and the cost for such support. Separate case records shall be established for each individual or household applying for General Assistance.
- B. The purposes for keeping such records are:
 - 1. To provide a valid basis of accounting for expenditure of the City of Manchester's funds;
 - 2. To support decisions concerning the applicant's/client's eligibility;
 - 3. To assure availability of information if the applicant or client seeks administrative or judicial review of the Welfare Official's decision;
 - 4. To provide the Welfare Official with accurate statistical information, and
 - 5. To provide a complete history of a client's needs and assistance that might assist the Welfare Official in on-going case management and in referring the applicant/client to the appropriate agencies.
- C. The Welfare Official shall maintain case records containing the following information:
 - 1. The completed Application for Assistance.
 - 2. A written Notice of Decision documenting approval, reduction, suspension or ineligibility of assistance.
 - 3. A narrative history recording the need for relief, the results of home visits, if any, collateral information, referrals and changes in status.
 - 4. The results of verification and investigation of information.

5. A payment card, which may be kept on paper or electronically, which has complete data concerning the type, amount and dates of assistance granted, as well as reimbursements.
- D. The Application for Assistance and any documents submitted by the applicant/client to the City of Manchester Welfare Department will be retained as part of the applicant/client case record and become the property of the City of Manchester in accordance with these written Guidelines adopted by the Board of Mayor and Aldermen. (RSA 165:1-II)
- E. Copies of case records will be provided to client or their authorized representative when requested. An authorized representative must have a Release of Information, signed and dated by client. A service charge for processing copies will be assessed.

III. CONFIDENTIALITY OF INFORMATION

Information given by or about an applicant for, or client of, General Assistance is confidential and privileged and is not public record under the provisions of RSA 91-A:5 (Appendix J). Such information will not be published, released or discussed with any individual except when disclosure is required by law, or when necessary to carry out the purpose of RSA 165. (RSA 165:2-C)

IV. RIGHT TO APPLY

A. Screening Process

The City of Manchester Welfare Department utilizes a screening process to identify, expedite and prioritize emergency need, such as food, shelter, heat (during the winter months), utilities and emergency medication. This process may involve completing a Contact Sheet to determine the extent of the emergency and the availability of resources and referrals. Based on the above information it may be necessary for an individual to complete the application process.

Individuals requesting General Assistance who are not considered to be in an emergency situation will be given a Notice of Application/Contact which may instruct the applicant to:

1. return another day; or
2. refer to an appropriate agency or resource.

B. Application Process

1. Anyone may apply for General Assistance by appearing in person at the City of Manchester Welfare Department and completing a written Application for Assistance. If more than one adult resides in a household, each adult is required to appear at the City of Manchester Welfare Department to apply for assistance, unless one or more of the adults is working and/or otherwise has verifiable just cause for his/her absence.
2. The Application for Assistance must be signed by all adult members of the household, when applicable.
3. If it has been determined by a Welfare Official, that an adult household member cannot physically come to the City of Manchester Welfare Department to sign the Application for Assistance, then they must complete the Application for Assistance and sign in the required areas, before the application will be processed.
4. Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, are legally liable to support the applicant (RSA

- 165:19); and therefore, will be required to apply jointly with him/her, if they reside in the same household/family unit.
5. The application process will be deferred if an applicant appears to be under the influence of alcohol, drugs or other substances, or appears incapable of comprehending and/or completing the application/interview process.
 6. The Welfare Official shall not be required to accept an Application for Assistance from a person who is under suspension pursuant to RSA 165:1-b, provided that any person who contests a determination of continuing noncompliance with these Guidelines may request a Fair Hearing.
 7. Once a case is open, the applicant is now defined as a client with the obligation to demonstrate compliance with the Applicant/Client Responsibilities Form and requirements set forth in Notices of Decisions, as well as with these Guidelines.

C. Applicant/Client Responsibilities

For safety and health reasons, applicants, clients and anyone accompanying them into the Department's waiting room, must immediately inform the front desk Welfare Official of all communicable diseases, contagious diseases, infestations and any other health hazards. These include, but are not limited to: conjunctivitis, flu, lice, bed bugs, chicken pox, hepatitis, tuberculosis, etc.

Interviews and/or appointments may be deferred if the applicant/client appears to be under the influence of alcohol, drugs or other substances, or otherwise appears incapable of comprehending, as well as completing the application/interview process.

From the time of the initial application, and as long as a client is receiving assistance or their case is open, the client shall comply with each of the following responsibilities:

1. To submit a completed, signed Application for Assistance, including any supporting documentation; all information provided (verbal and written) must be accurate and truthful in all respects and without misrepresentation and/or omission;
2. To cooperate fully and completely in answering all questions asked by the Welfare Official, including providing information regarding all legally liable relatives (RSA 165:19). Refusing to answer all questions asked by the Welfare Official shall be considered withdrawal of application for assistance;
3. To comply with all requirements set forth in each Notice of Decision;
4. To report to the Welfare Official, within three (3) working days, any and all changes in circumstances, particularly having received and/or benefited from, directly or indirectly, any financial resources from any source;
5. To apply for and accept any benefit or resource (public or private) that you may qualify for within seven (7) days of being directed to do so by a Welfare Official and to comply and fulfill all ongoing requirements of such programs;
6. To cooperate fully and completely with the Welfare Official in verifying all information that has been provided and is necessary to determine eligibility;
7. To cooperate fully and completely with Welfare Officials when they make a home visit;
8. To keep all appointments as scheduled unless a verifiable emergency prevents keeping the scheduled appointment. In such an event, promptly providing verifiable documentation of the emergency;
9. To provide records and other required information, as well as access to such records and information, when required;

10. To provide the Request for Medical Information Form completed by a licensed medical provider as to the level of work that can be performed by the client if claiming an inability to work, due to medical problems;
11. To immediately report any claim of theft and/or loss of any money, voucher or other valuable property to the appropriate entity and/or law enforcement authority, as well as to the Welfare Official with proof of the report to law enforcement;
12. To search diligently for any employment, as directed by the Welfare Official;
13. To provide verifiable documentation of work search, with the number of work search contacts being determined by the Welfare Official;
14. To accept any employment when offered, except for documented reasons of good cause (RSA 165:1-d) and to maintain such employment once assistance has been granted. (RSA 165:1-b I-c);
15. To participate fully in the City of Manchester Welfare Department Work Program, if physically and mentally able. (RSA 165:1-b I-b);
16. To cooperate fully and completely with the Welfare Official in obtaining reimbursement to the City of Manchester for assistance provided by any means authorized by law, and to notify the Welfare Official of any pending civil judgments, law suits, inheritances, financial settlements, insurance claims or any other financial awards;
17. To make reimbursement of any assistance granted, when and if returned to an income status that would allow for such reimbursement to be made without financial hardship. (RSA 165:20-b);
18. To read and sign a copy of the Applicant/Client Responsibilities Form which has been provided.

A client may be suspended or determined ineligible for assistance for failure to fulfill any of the above responsibilities without verifiable good cause.

D. Welfare Official's Responsibilities

The Welfare Official shall inform the applicant/client of the following, when pertinent and appropriate.

1. To ensure that a completed application contains all necessary information and that applicant/client has been given and has read and understood all information;
2. To describe eligibility requirements, including a general description of the Guidelines and the eligibility standard;
3. To have the option to meet an applicant/client need with a referral to another agency or resource;
4. To provide the applicant/client with a scheduled appointment;
5. To verify all information;
6. To inform the client of their need to relocate to more affordable housing based on their present and/or projected verifiable income. Effort will be made to maintain a client in his/her own housing if it is within the City of Manchester Welfare Department's Rental Allotment Guidelines, unless it is clear that to do so would probably require an unreasonable period of continuing subsidy from the City of Manchester Welfare Department. In determining whether or not continuing subsidy is warranted, the Welfare Department shall consider, among other relevant factors:
 - a. efforts by the client to increase household financial resources or obtain affordable, less expensive housing;
 - b. the client's prospects of obtaining other forms of rental assistance; and special consideration will be given to helping a client residing in federally subsidized housing or other substantially below market rate housing to retain such housing;

7. To negotiate with vendors whenever possible. If negotiation is not possible, the least expensive appropriate alternative will be sought. The City of Manchester Welfare Department will always attempt to provide basic need assistance in the least costly manner;
8. To inform the client that the City of Manchester Welfare Department will not pay charges, which do not directly represent an actual service; such charges include, but are not limited to: late fees, security deposits, key fees, damages, eviction fees, etc;
9. To make home visits when determined necessary by a Welfare Official;
10. To refer a client to shelter or another housing option, as determined necessary by a Welfare Official.
11. To verify information presented by the applicant/client, and that this investigation will be ongoing while the case is open;
12. To inform the client of their right to request a Fair Hearing and the process by which to do so;
13. To inform the client of the statutory requirement of placing liens. See Liens Section XIV of these Guidelines;
14. To pursue reimbursement of all assistance in accordance with RSA 165;
15. To provide the client with a copy of the Applicant/Client Responsibilities document, which he/she signed as set forth in the Right to Apply section of these Guidelines.

V. VERIFICATION OF INFORMATION

- A. Verification by the Welfare Official will include, but will not be limited to, the following:
 1. Applicant's/client's address.
 2. Names of persons in applicant's/client's household or family unit.
 3. Applicant's/client's picture identification, birth certificate(s), Social Security card(s) and Immigration and Naturalization Service documentation (if applicable), as well as household members, when applicable.
 4. Applicant's/client's marriage certificate(s), divorce decree(s), child support order(s), custody papers, proof of guardianship, and physical custody of children.
 5. Applicant's/client's and household member's financial resources and expenses.
 6. Applicant's/client's and household member's physical and mental condition, only when relevant to their receipt of assistance, such as ability to work, determination of needs or referrals to other forms of assistance.
 7. Any special circumstances claimed by applicant/client.
 8. Applicant's/client's employment status and availability for employment.
 9. Names, addresses, employment and financial status of legally liable relatives. RSA 165:19.
 10. Utility costs.
 11. Housing costs.
 12. Facts relevant to the applicant's/client's residence.
 13. Proof of application and/or benefits from other agencies.
 14. Any other additional information deemed necessary to be verified by the Welfare Official.
- B. Should the applicant/client refuse to provide required information and/or indicate an unwillingness to have the Welfare Official seek further information that is necessary, applicant/client will be determined ineligible for assistance for lack of compliance with the City of Manchester Welfare Department.

VI. HOME VISITS

A visit to the home of any applicant or client may take place whenever there is a need for such a visit. Such a visit may be made to verify any information regarding the applicant/client. The visit shall be conducted in a professional manner. The Welfare Official(s) conducting the visit shall not knowingly mention or discuss the case with, or within the listening area of, anyone who is not a member of the household or family unit. This confidentiality requirement shall not prevent the Welfare Official(s) conducting the visit from providing identification upon request. All home visits shall be upon notice and shall take place during business hours. Refusal to grant home visits without reasonable justification shall be grounds for determination of ineligibility of assistance based on the applicant's refusal to verify or provide required information to determine eligibility of assistance.

VII. DETERMINATION OF ELIGIBILITY

A. Legal Standard

"Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there." (RSA 165:1)

For the purposes of these General Assistance Guidelines:

1. A person cannot be denied assistance solely because he/she is not a resident.
2. "Whenever" means at any time that a person is poor and unable to support himself/herself,
 - a. the Welfare Official shall be available during normal working hours.
 - b. the eligibility of an applicant for General Assistance shall be determined within 72 hours if an emergency exists (see Actions on Application section of these guidelines), or seven (7) days after the date of the interview.
3. "Poor and unable to support" means that an individual lacks the financial resources to adequately provide for basic needs for himself/herself or family unit as determined by the Guidelines.
4. "Relieved" means a person shall be assisted, as a Welfare Official determines eligible, to meet those basic needs.
5. "Maintained" means to be continued on assistance as long as eligible.

B. Eligibility Standards

1. Minors - Minor applicants shall be referred to Protective Services of the Division of Children, Youth, and Families for case management. A minor's residency is considered to be that of their parent(s) or legal guardian(s). Minors are the financial responsibility of their parent(s) or legal guardian(s). A minor who is married is considered an adult.
2. Eligibility for Other Program Assistance - A client, who may be eligible for any other assistance programs, must apply for such assistance immediately, but no later than seven (7) days after being required to do so by the Welfare Official. Failure to do so may result in suspension of assistance. Clients must also fully comply and fulfill all ongoing requirements of such programs.
3. Employment - A person who is employed full time (minimum 35 hours per calendar week), but whose financial resources are not sufficient to meet basic need expenses, may be eligible to receive General Assistance. However, a client who without verifiable good cause refuses a job offer or referral to employment, participation in the City of Manchester Welfare Department Work Program (RSA 165:31), or who voluntarily leaves a job (RSA 165:1-d) may be ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in these Guidelines. The Welfare Official shall first

determine whether there is verifiable good cause for such refusal, taking into account the ability and the physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, or lack of adequate child care. These employment requirements shall extend to all adult members of the household/family unit.

4. Work Search – Immediately upon being granted assistance all unemployed clients and adult members of their household, when applicable, shall pursue all available means of securing employment. Within seven (7) days after having been granted assistance, clients shall provide proof that they are pursuing all available means of securing employment, as directed by a Welfare Official. Work search requirements apply unless the client:
 - a. is employed full-time.
 - b. is a dependent eighteen (18) years of age or under, who is regularly attending school.
 - c. is unable to work due to illness or due to a mental or physical disability of himself/herself, verified by a Licensed Medical Provider's note.
 - d. is unable to work due to the necessity to care for a disabled family/household member, verified by a Licensed Medical Provider's note.
 - e. is in a multi-adult household/family unit; only one (1) adult will be exempt from the work search, due to caregiver responsibilities.
5. Voluntary Quit Law - A client who voluntarily terminates employment will be ineligible to receive assistance pursuant to the provisions of RSA 165:1-d.
6. Students - Clients enrolled in General Equivalency Diploma (GED) Programs, Trade Schools, Certificate Programs or Higher Education Programs must be employed full time or be available for full time employment; participate in the Department's Welfare Work Program, and/or undertake a diligent, verifiable job search, as assigned by the Welfare Official in order to be considered eligible for General Assistance. Full-time students are categorically considered ineligible for assistance, as their schooling prevents them from meeting these requirements.

C. Financial Assets

1. Available Liquid Assets - See definition section of these Guidelines. All readily available liquid assets shall be converted to cash immediately. For all other available liquid assets, the Welfare Official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, as well as necessary and ordinary household goods, which are essential items of personal property, shall not be considered as available assets.
2. Vehicle Ownership/Leasing - The ownership or leasing of one vehicle by an applicant/client or their dependent(s) does not effect eligibility if the vehicle is needed to get to/from verifiable work and/or verifiable medical appointments only, as well as the payment being affordable on the applicant's/client's income, as determined by the Welfare Official. Ownership/leasing of more than one vehicle per household may be determined as non-essential by the Welfare Official. A new vehicle, luxury vehicle or multiple vehicles is/are usually considered as liquid assets and may be required to be converted to cash.
3. Insurance - The ownership of life insurance policies could affect eligibility. When a policy has cash or loan value, the client will be required to obtain and/or borrow all available funds, which shall then be considered available assets. Payment of life insurance premium shall not be included as "need" in determining eligibility or amount of assistance. Motor vehicle insurance premiums and/or SR22 insurance premiums are not included as "need" in determining eligibility.
4. Real Estate - The type and amount of real estate owned by a client could affect eligibility. Ownership of, rent or other income from property would be

considered as available in order to meet need. A client owning real estate property, other than that occupied as a home, may be expected to make reasonable efforts to dispose of it at fair market value. A client shall be informed that a lien covering the amount of any General Assistance received, shall be placed against any real estate he/she owns. (RSA 165:28).

5. Property Transfers - No person who is otherwise eligible for assistance under RSA 165, shall receive such assistance if he/she has made an assignment, transfer or conveyance of property for the purpose of rendering himself/herself eligible for assistance within three (3) years immediately preceding his/her application.
6. Cosigners - In cases involving a request for assistance for a basic need expense for which clients have secured a cosigner, a cosigner must fulfill their legal obligation.
7. Roommates - Expenses which benefit the household (rent, utilities, etc.) are divided pro rata for the purposes of calculating the applicant's need, based on the total number of persons in the household. However, the total shelter cost must approximate the Rental Allowance Guideline amounts (Appendix F) according to household size. (For example, three unrelated adults share an apartment, one applies for rental assistance; rental assistance is determined as one-third of the total shelter cost for three people and the total shelter cost for all three must approximate the Guideline amounts for a household of three.)

D. Standard of Need – Basic Needs Policy

A client must utilize all resources for basic needs, which are: rent, food, cleaning and personal hygiene items, utilities, prescriptions, and diapers. Gas for a vehicle (when vehicle is used for verifiable work and/or verifiable medical appointments only), documented child care costs and court ordered child support payments may be considered. Clients must provide legitimate, dated receipts. Receipts must also be signed when necessary. Credit card payments, rent-to-own items, cable or satellite television service, Internet service, repayment of personal loans, payment of traffic citations, bail, court fines and court ordered restitution are examples of non-basic needs. The above cited examples are not all inclusive of non-basic needs. Any financial resources that are used must be accounted for with legitimate dated and signed (when necessary) receipts and provided for at each appointment. Any financial resources that are used for non-basic needs, and/or that are unaccounted for, including lost or stolen money, will be considered available when determining eligibility or will be grounds for suspension of assistance.

The basic financial requirement for General Assistance is that a person be unable to support himself/herself and have insufficient financial resources to provide payment for any of the following:

1. Rent/Mortgage/Utilities

The amount to be included for housing is the cost of rent or mortgage, plus cost of utilities. When utilities are not included in the rent, the average monthly cost or required utility payment arrangement(s) of all utilities will be added to the rent to determine if the total housing costs are within the Rental Allowance Guidelines. (See Appendix F)

- a. Rental/mortgage/utility assistance is determined by the client's ability to afford the overall housing cost (rent and utilities) based on present and projected verifiable income. Any mortgage assistance rendered shall be applied to principle only. The Welfare Official shall not make mortgage payments when the client has a cosigner on the obligatory instrument.

- b. Arrearages are not included. The Welfare Official may assist in the least costly manner, or may provide alternate means to accommodate the health and safety of the household members.
- c. Clients who have made an arrangement through the court regarding payment for rental/mortgage arrearages are the financially responsible party to fulfill the terms of the arrangement. City Welfare is not financially obligated to the terms thereof.
- d. The City of Manchester Welfare Department does not provide payment for the following scenarios, including, but not limited to:
 - 1. rental space which does not meet the requirements of the City of Manchester Housing Code and the City of Manchester Zoning Code;
 - 2. subletting; or
 - 3. additional bedroom(s) for child visitation or other guests.
- e. Whenever a legally liable relative of a client is also the landlord for the client, that landlord will be presumed able to assist his/her relatives pursuant to RSA 165:19 with rent, and/or mortgage, and/or utilities, and must prove an inability to assist before any assistance payment for housing is made.
- f. In cases in which the City of Manchester Welfare Department has made an appropriate referral for emergency temporary shelter or other housing arrangement, and the applicant/client refuses to accept such a referral, the City of Manchester Welfare Department will not be liable for any other alternate housing.
- g. An applicant/client may be determined ineligible for rental/mortgage assistance for any period of time in which the client is not occupying the housing. The necessity for the absence from the housing will be considered when determining eligibility. While rental/mortgage assistance during hospitalization may be considered, absences for vacation or other non-essential purposes will not.
- h. If a determination regarding utility assistance cannot be made immediately, a referral to shelter can be offered, until such time as eligibility can be determined. Such emergency assistance shall not obligate the Welfare Official to continue to provide further assistance, once determination has been reached.
- i. Restoration of Service is when utility service has been terminated and the Welfare Official has determined that alternate utility service is not available and alternate shelter is not feasible, the Welfare Official may pay the current bill and/or may attempt to arrange a repayment plan entered into by the client and the utility company to restore service. If applicable, the Welfare Official will negotiate with the utility company to pay the least amount possible to restore service.
- j. Utilities must be in the client's legal name in order for the Welfare Official to render assistance.
- k. The Welfare Department will abide by the current Chapter PUC 1200 Rules and Regulations for NH Utilities enforced by the State Of New Hampshire Public Utilities Commission.

2. Shelter

- a. The cost for MEH is \$25 per night. Clients will pay for their shelter stay based on their financial ability to do so, as determined by the Welfare Official. Unpaid balances owed upon leaving the shelter will reflect an amount due to the City of Manchester Welfare Department, to be reimbursed according to RSA 165.
- b. MEH is intended for families who have no other housing options and also have no ability to secure housing. Shelter stays are expected to be short term while a client pursues other housing options. The City of Manchester Welfare

Department does not authorize shelter stay for an indefinite period of time, (ie. while a client is awaiting subsidized housing), as rooms at MEH must be available for clients who are homeless and without any other housing options. Clients staying at MEH will be required to diligently look for alternate housing and to use their own resources to secure first available alternate housing.

- c. In cases in which the Welfare Official has made an appropriate referral for temporary emergency shelter or other housing arrangements, and the applicant/client refuses to accept such a referral, the Welfare Official is under no obligation to seek or pay for alternate housing/shelter.
- d. If a client fails to comply with Notice of Decision requirements and/or these Guidelines, all assistance, including his/her shelter stay, can be suspended or the client may be determined ineligible for assistance in accordance with the Notice of Adverse Action Section XI of these Guidelines. Information may be provided to the client so that he/she may pursue alternate shelter.
- e. If a client fails to abide by the Shelter Addendum to Notice of Decision (Appendix G), the City of Manchester Welfare Department will not continue to provide emergency housing, nor will the City of Manchester Welfare Department be obligated to locate or provide payment for other temporary housing options. If the client has otherwise complied with the requirements of their Notice of Decision, he/she may be eligible for rental assistance to secure permanent, affordable housing, once the client has located such.
- f. Any client request to extend curfew or to be away from the family shelter overnight must be pre-approved by a Welfare Official.
- g. A client leaving the shelter without prior approval or leaving voluntarily will not be readmitted until a Welfare Official determines further eligibility.
- h. If a client refuses to leave the shelter, when alternate housing is available and shelter assistance is no longer a necessity, no further shelter assistance will be authorized.

3. Food

The amount allowable for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the Food Stamp program, administered by the New Hampshire Department of Health and Human Services. The food stamp allotment may be modified, if a Licensed Medical Provider has stated in writing that one or more members of the household requires a special diet and the cost of which is greater than can be purchased with the client's allotment of food stamps.

4. Medical Expenses

- a. Prescriptions - The City of Manchester Welfare Department may only assist with medications which are absolutely necessary and are for conditions where the absence of the medication would pose an imminent, significant risk to an individual's health. Only the cost of the least expensive medications will be considered. Medications that the City of Manchester Welfare Department will not authorize payment for, include, but are not limited to: birth control medications/devices, addiction cessation or withdrawal medications, experimental medications, performance enhancing medications, and preventative medications (ie. HIV, STD, flu, etc). Assistance with expensive pain medications will only be considered if the prescriber (a Licensed Medical Provider) specifically states that no less expensive alternatives would be appropriate.

Generic medications must be used whenever possible. If a prescriber is requiring a brand name medication, when there is a generic equivalent available, the prescriber (a Licensed Medical Provider) would need to

substantiate to the Welfare Official as to why the generic medication is not adequate.

A client shall be directed to seek sample medications and/or apply for free medications through their prescriber or through an agency.

The City of Manchester Welfare Department will not cover over-the-counter medications, homeopathic medications or other alternative medications or products.

- b. Addiction and Sobriety Maintenance Programs - The City of Manchester Welfare Department does not provide payment for addiction and/or sobriety maintenance programs, devices or products.
- c. Dental Services - The City of Manchester Welfare Department does not provide payment for dental services.
- d. Eye Care - The City of Manchester Welfare Department does not provide payment for eye care services or supplies.
- e. Medical/Hospitalization/Rehabilitation Services - The City of Manchester Welfare Department does not provide payment for Medical, Hospitalization, or Rehabilitation Services.
- f. Medical Equipment and Supplies - The City of Manchester Welfare Department does not provide payment for medical equipment or Medical Supplies.
- g. Maintenance of Medical Insurance - In the event that the Welfare Commissioner or his designee, determines that the maintenance of medical insurance is essential, a client may be allowed to pay reasonable costs of such premiums.

5. Other Expenses

- a. Telephone - Phone service is not considered to be a basic need expense. However, if the absence of a phone would create a significant risk to the client's health and/or safety and if the client is not eligible for free cell phone service, then the least expensive option (not including texting or internet services) may be considered by the Welfare Official to be an allowable expense. Written documentation from a Licensed Medical Provider detailing why the absence of a phone creates a significant risk to the client's health and safety must be provided to the Welfare Official for consideration. In addition, written documentation stating that a client is not eligible for free cell phone service must also be provided. The Welfare Commissioner or his designee will determine if a least expensive phone option will be considered an allowable expense for the purposes of determining eligibility.
- b. Transportation
 - 1. If a Welfare Official determines that transportation is necessary, the cost of public transportation will be allowed unless alternate arrangements are available that would minimize cost to the City of Manchester Welfare Department.
 - 2. The City of Manchester Welfare Department does not provide payment for vehicle expenses, including, but not limited to: payments, possession costs, repair costs, maintenance costs, registration/inspection costs, insurance costs, towing fees, impound fees, costs related to reinstating a license or costs to prevent repossession of a vehicle.
- c. Legal Expenses

Unless specifically required by statute, no legal expenses or fees will be included in the Standard of Need. The City of Manchester Welfare Department will not provide payment for any legal expenses or fees.

d. Clothing

If an applicant/client has an emergency clothing need which cannot be met in a timely fashion by other community resources, then the cost of the emergency clothing will be considered.

e. Miscellaneous

The City of Manchester Welfare Department does not provide payment for moving expenses, storage fees, household furnishings, condo fees, lot rent fees or any other expenses as determined non-essential by the Welfare Official.

f. Home Ownership Expenses

1. City Welfare does not provide payment for general maintenance or repairs.
2. The Welfare Official shall not make mortgage payments when the client has a cosigner on the note.

6. Shared Expenses

- a. If a client's household/family unit shares housing, utility and/or other expenses with a non-applicant/client, then "need" should be determined on a pro-rata share; based on the total number of adults in the household and that all pro-rata expenses have been verified to be current. (i.e., three (3) persons in a household, but only one applies for assistance, shelter need is 1/3 of shelter allowance for a household of three (3) persons)
- b. Personal financial arrangements between two or more parties concerning financial agreements, (i.e., rent, food, utilities, medication, loaning of money, or other goods and services), which are being rendered by one party to the other party are not recognized as allowable expenses when determining eligibility for assistance.

E. Financial Resources

In determining eligibility and the amount of assistance, the applicant's/client's standard of need, is determined after considering all available financial resources. The following items will be included in the computation:

1. Earned Income - Income in cash or tips earned by the applicant/client or any member of his/her family or household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rental income and business profits are included in this category. With respect to self-employment, subtracting business expenses from gross income in accordance with standard accounting principles will be considered when determining eligibility. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law. Child care costs, court ordered support payments and work-related clothing costs will be deducted from income when made through payroll deduction.
2. Financial Assistance or Support from Other Persons - Contributions from relatives, other household members or other persons shall be considered a financial resource. Any adult (even an unrelated person or roommate) who resides in the same household with a minor child, is liable for contributing to that child's support pursuant to RSA 165:32 and will be required to apply jointly with the household. For the purposes of determining eligibility under these Guidelines, the financial resources of a member of the household may be considered, if he/she lives together with the applicant/client in a single household unit and shares facilities.

3. Financial Benefits from Other Agencies -
 - a. State categorical assistance benefits (ie. Social Security payments, VA benefits, unemployment benefits and payments from other government and/or private sources) shall be considered a financial resource.
 - b. Food Stamps cannot be counted as income pursuant to Federal Law 7 USC 2017 (b).
 - c. Fuel Assistance cannot be counted as income pursuant to Federal Law 42 USC 8624 (f) (1).
4. Financial Resources from Other Sources - Any financial resources available to the client from any source shall be considered as available.
5. Payments made for or to the client, or on behalf of the client, will be considered available support. Funds of other monetary support utilized towards non-basic needs will be considered as available to the client and will reduce the amount of potential assistance accordingly.
6. Court Ordered Support Payments - Alimony and child support shall be considered a financial resource only if actually received by the client.
7. Earnings of a Child - No inquiry shall be made into the earnings of a child, 14 years of age or under, unless that child makes a regular and substantial contribution to the family.
8. Deemed Income - The local governing body of a town or city may permit the Welfare Administrator to deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII, as set forth in RSA 165:1-e. When a client receiving benefits through the Division of Health and Human Services is sanctioned, receiving a reduction in benefits for non-compliance, the amount of the financial resource considered available would be the amount the client was receiving prior to the sanction.

F. Residents of Nonprofit Programs

The City of Manchester Welfare Department does not provide rental assistance and/or program fees to private, nonprofit substance abuse or recovery treatment programs or facilities.

G. Long Term Treatment Programs

Organizations administering long term programs that treat individuals to overcome addictions and restrict the individuals from working, while in such a program, are totally responsible for the individuals' basic needs. Individuals participating in long term treatment programs cannot be referred to the City of Manchester Welfare Department for assistance. By accepting individuals into their long term programs, organizations affirm a financial commitment to support the individuals while the individuals are in such programs.

VIII. ACTIONS ON APPLICATIONS

A. Notice of Decision

1. The Welfare Official has up to seven (7) days after the date of the interview to make a decision concerning client eligibility. A written Notice of Decision shall be delivered in person or mailed on the same day or next working day following the decision. The Notice of Decision shall specify the action taken, the time period covered and the required documentation to be provided by the client at the next appointment. If the Notice of Decision identifies an adverse action, the client has the right to request a Fair Hearing.
2. If an applicant/client refuses to sign the Notice of Decision, the applicant/client is still responsible to comply and/or fulfill the requirement(s) listed in the Notice of Decision.

B. Emergency Assistance

1. At the time of contact, if an immediate need in which a threat to life or health (ie. loss of shelter or heat source in winter, lack of food or medications) exists, then a determination regarding assistance will be given no later than seventy-two (72) hours from the time of the request.
2. In emergency circumstances, where required records are not available, the Welfare Official may give temporary assistance to an applicant/client pending receipt of required documents. Temporary status shall not extend beyond one week.
3. When an applicant/client submits a completed Application/Request for Assistance with a Notice to Quit for nonpayment of rent, prior to the date on which the Notice to Quit expires, the Welfare Official shall make a reasonable effort to:
 - a. process the application/request in a manner which, if determined eligible and assistance is granted, would enable the applicant/client to tender a voucher in the amount necessary to defeat eviction by the day the Notice to Quit expires: or
 - b. obtain a commitment from the landlord that he/she will agree to accept welfare assistance paid on behalf of the applicant/client and/or will wait for a decision from the City of Manchester Welfare Department and not pursue the eviction, unless a specified date following the expiration of the Notice to Quit passes without the landlord receiving a commitment to pay from the City of Manchester Welfare Department.
 1. In no case shall the decision on the application for rental assistance to cure a Notice to Quit for nonpayment of rent be issued later than 72 hours from the time of the application or by the date of the expiration of the Notice to Quit, whichever is later.
 2. This process does not apply to a client who is presently in suspension or ineligible status.

C. Withdrawn Application

An application is considered withdrawn, if:

1. The applicant refused to answer all questions listed on the application.
2. The applicant leaves before the intake interview begins.
3. The client dies while their case is open.

D. Withdrawn Request

A request shall be considered withdrawn if at any time after the intake interview begins:

1. The client refuses to answer questions asked by the Welfare Official.
2. The client avails themselves of other resources to meet the need in place of assistance.
3. The client indicates, preferably in writing, that they no longer wish to pursue assistance.
4. The client leaves during an interview/application without an explanation.
5. The client does not contact the Welfare Official after the initial interview when requested to do so. However, a client's failure to keep a scheduled appointment will not be considered a withdrawn request.
6. Although request for assistance has been withdrawn, the case will still remain open for 6 months from the date of last contact with client.

E. Closed Cases

Cases are closed six (6) months after the date of last contact with client. Once a case is closed a former client must make a new application for assistance.

IX. DISBURSEMENTS

- A. Stores - The City of Manchester pays vouchers directly to vendors up to the dollar amount designated on the voucher or for the actual amount listed on an itemized bill or register tape if less than the voucher amount. The City of Manchester will not pay any amount in excess of the amount listed on a voucher. Alterations, reproductions and/or misuse of vouchers will be reported to the appropriate Law Enforcement agency(ies). A client must sign the voucher and present valid identification to insure proper usage. Tobacco products, alcoholic beverages, pet food, magazines, cards and children's toys, etc. cannot be purchased with a voucher. Stores allowing prohibited items to be purchased will not be reimbursed for those items. All stores receiving Food, Miscellaneous and/or Diaper Vouchers must attach the cash register tape to the voucher and return it to the City of Manchester Welfare Department in order to be reimbursed. Only the amount used for allowable purchases will be reimbursed. It is the responsibility of the client to safeguard from theft, loss or misuse of any voucher he/she receives. No replacement voucher will be issued if the original is lost, stolen, misplaced or misused, unless authorized by the Welfare Commissioner or his designee.
- B. Landlords - All disbursements will be in the form of vouchers or credit card payment directly payable to the vendor providing the service, as well as in accordance with the general regulations below:
1. Rent may only be made payable to the owner of the property, unless the City of Manchester Welfare Department is in receipt of a notarized Agent Authorization Form which allows otherwise. No rent payment will be made until a Landlord Form generated by the City of Manchester Welfare Department has been completed and returned to the department. Forms not generated by this department will not be honored. Only property owners or authorized agents, as noted above, will be recognized as having the authority to complete the Landlord Form. The completed Landlord Form must be accurate and true. Forms which misrepresent or omit information for the purposes of obtaining assistance, which otherwise may not be issued, will be grounds for stopping payment; legal action may also be taken. Vouchers must be used within the time period stated on the voucher.
 2. To be issued payment, the vendor must be on the City of Manchester's vendor list. To be placed on this list, the vendor must supply the City of Manchester Welfare Department with a completed, current W-9 form and any other documentation required by the City's Finance Department. Vouchers for rental payment will be made to landlords who possess a current Certificate of Compliance issued by the City Building Department, where required by Ordinance.
 3. All vouchers are a one-time only use.
 4. The vendor has sixty (60) days in which to return the signed voucher for payment. No voucher will be honored after that time.
 5. Vouchers exceeding \$1,000.00 need approval of the Welfare Commissioner or his designee.
- C. Revocation of Assistance Granted
A voucher previously issued, but not yet paid, may be revoked and voided under certain circumstances. If facts are discovered that would negate such issuance, or fraud is determined, the voucher will be cancelled promptly. If the voucher has been processed for payment, the client will be contacted to immediately reimburse the City of Manchester Welfare Department. If fraud is involved, the facts surrounding the matter will be given to the appropriate Law Enforcement agency(ies) for action.

The revocation of assistance is not meant to replace the suspension process for issues of noncompliance.

X. WELFARE WORK PROGRAM

A. Participation

Any client receiving General Assistance, who is able to work, but is not gainfully employed full time, may be required to work for the City of Manchester or a local social service agency for the purpose of reimbursement of assistance received, pursuant to RSA 165:31. Participants in the City of Manchester Welfare Department's Work Program are not considered employees of the City of Manchester and any work performed by Work Program participants does not give rise to any employee-employer relationship between the Work Program participant, Work Program agency and the City of Manchester.

B. Reimbursement Rate

A Work Program participant shall be allotted the prevailing wage for work performed, but in no case be allotted less than the minimum wage. No cash compensation shall be paid for Work Program participation; the wage value of all hours worked shall be used to reimburse the City of Manchester Welfare Department for assistance given. No Work Program participant shall be required to work more hours than necessary to reimburse assistance rendered. The reimbursement rate shall be reviewed by the Welfare Commissioner, and if warranted, will be updated to reflect changes in the market.

C. Continuing Financial Liability

If, due to the lack of available work or other verifiable good cause, a Work Program participant does not work a sufficient number of hours to fully reimburse the City of Manchester Welfare Department for the amount of his/her assistance, the amount of assistance received, less the value of the Work Program hours completed, shall still be owed to the City of Manchester Welfare Department.

D. Allowance for Work Search

The City of Manchester shall provide reasonable time during normal business hours for the Work Program participant to conduct a documented employment search, as determined by the Welfare Official.

E. Work Program Attendance

With prior notice to the Welfare Official, a client may be excused from Work Program participation if he/she provides verifiable documentation that he/she:

1. has a conflicting job interview;
2. has a conflicting interview at another social service or welfare agency;
3. has a medical appointment or illness, as verified by a Licensed Medical Provider;
4. has a parent or person "in loco parentis" must care for a child under the age of five (5). A client responsible for a child age five (5) but under twelve (12) shall not be required to work during hours the child is not in school, if there is no responsible person available to provide care and no other care is available;
5. is unable to work due to mental or physical disability, as verified by a Licensed Medical Provider;
6. must remain at home because of illness or disability to another member of the household, as documented by a Licensed Medical Provider; or
7. does not possess the materials or tools required to perform the task and the City of Manchester fails to provide them.

F. Work Program Hours

Work Program hours will be assigned by the Work Program Coordinator and the Work Program Site Supervisor. Failure of the participant to adhere to the agreed upon Work Program hours (except for reasons listed above) will result in suspension of assistance. Work performed outside of assigned hours is not authorized by the City of Manchester Welfare Department and is outside the jurisdiction of the City of Manchester's Work Program; therefore, it will not be covered by Workers' Compensation, nor will it reduce the reimbursement obligation to the City of Manchester Welfare Department.

G. Workers' Compensation

The City of Manchester shall provide Workers' Compensation coverage to participants in the Work Program in accordance with New Hampshire Revised Statutes Annotated. (RSA 281:a)

XI. NOTICE OF ADVERSE ACTION

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes clients of General Assistance, who have been determined ineligible or whose aid has been suspended or reduced.

A. Suspension for Noncompliance

1. Compliance - A client must adhere to these Guidelines and the requirements of each Notice of Decision. Welfare Officials must enforce the Guidelines, while ensuring that each client receives due process. Each client will be given a Notice of Decision listing the requirements for eligibility and be advised that noncompliance may result in suspension of, reduction of or ineligibility of assistance. In order to be considered eligible or remain eligible, a client will be given a seven (7) day period within which to comply.
2. Noncompliance - Any person otherwise eligible for assistance shall become ineligible under RSA 165:1-b, if he/she fails to adhere to these Guidelines and to the requirements of each Notice of Decision.
3. Notice of Suspension - Written notice is provided to a client stating that he/she is suspended from receiving assistance, due to failure to comply with these Guidelines and the requirements of each Notice of Decision. A Notice of Decision shall include:
 - a. a list of the requirements with which the client is not in compliance and a description of those actions necessary to come into compliance;
 - b. the length of suspension (see section B below);
 - c. notice of the right to request a Fair Hearing to address the reason(s) for noncompliance and that such request must be made in writing, on a form provided by the City of Manchester Welfare Department and presented to a Welfare Official within five (5) working days starting with the date of the Notice of Decision at issue.
4. Noncompliance due to Misrepresentation/Omission of Information - Misrepresentation/Omission of information by a client is grounds for suspension of assistance.

B. Suspension Periods for Noncompliance

1. Seven (7) Day Suspension - The initial period of ineligibility for failure to comply with these Guidelines and/or a Notice of Decision.
2. Fourteen (14) Day Suspension - The period of ineligibility for continued noncompliance after the seven (7) day suspension has expired. If a client has had a prior suspension within the past six (6) months, and again fails to

comply with the Guidelines and/or a Notice of Decision, the period of ineligibility will be an additional fourteen (14) days.

3. On-going Suspension - Continued noncompliance after the fourteen (14) day suspension period has expired, will result in continued ineligibility until the client complies with the Guidelines and/or a Notice of Decision. A client whose suspension has continued for six (6) months, due to noncompliance, may file a new application after six (6) months of not requesting financial assistance from the City of Manchester Welfare Department.
 4. Compliance after Suspension - A client, who has been subject to a suspension and who has now complied, shall have his/her assistance initiated or resumed after the period of ineligibility, provided that he/she is still otherwise eligible. The Notice of Decision stating that assistance has been initiated or resumed, should again set forth the actions required to remain eligible for assistance, but need not provide a seven (7) day period for compliance, unless new requirements have been imposed.
 5. Required Compliance with Guidelines - The failure of an applicant and/or recipient to comply with Guideline IV-C. Responsibilities of each applicant and recipient in a manner which the applicant and/or recipient cannot correct will not be used for suspending an applicant and/or recipient from eligibility to receive assistance on more than one occasion. Failure of an applicant and/or recipient to comply with the same guideline responsibility(ies) during different periods of time, during which the applicant or recipient is given the opportunity to comply, may be the basis for more than one suspension. Failure to comply with a guideline responsibility(ies) when an applicant and/or recipient are able to do so despite past failures to comply shall also be basis for more than one suspension.
- C. Ineligibility of Assistance for Other than Noncompliance
1. Ineligibility for Non-Cooperation - A client who refuses to cooperate fully and completely in answering all questions asked by the Welfare Official may be determined ineligible for assistance.
 2. Other - Ineligibility of assistance and/or a reduction in the amount of assistance provided will occur when the Welfare Official determines that such action is necessary. The reasons for ineligibility or reduction include, but are not limited to: the client's ability to meet their own need(s) based on available financial resources, the request is for a non-basic need, or that rent is unaffordable and/or over the City of Manchester Welfare Department's rental allowance guidelines.

XII. FAIR HEARINGS

- A. Requests and Time Limits for Hearings
1. A client may only request a Fair Hearing based on the receipt of an adverse action on a Notice of Decision. A client requesting a Fair Hearing must complete the City of Manchester Welfare Department's Fair Hearing Request Form (Appendix H). The form must be completed by the client or any person authorized to act on client's behalf. A completed Fair Hearing Request form submitted to the Welfare Official indicates that the client wants an opportunity to present his/her case to a Fair Hearing Officer to contest a notice of adverse action made by the Welfare Official. A request for a Fair Hearing must be received within five (5) working days, starting with the date of the Notice of Decision at issue.
 2. Fair Hearings must be held within seven (7) working days of the receipt of the request. The Welfare Official shall give notice to the claimant setting forth, time and location of the hearing. The notice must be given to the claimant at

least forty-eight (48) hours in advance of the hearing or mailed to the claimant's last known address at least seventy-two (72) hours in advance of the hearing.

B. Postponements

1. Claimant Request for Postponement

Fair hearings will only be postponed for reasons deemed by the Welfare Official to be verifiable good cause. A claimant, who believes that they have verifiable good cause to request a postponement, shall contact the Welfare Official at the earliest possible time, prior to the scheduled Fair Hearing. The claimant must then provide documentation to support the need for postponement to the Welfare Official, prior to the scheduled Fair Hearing date. If the claimant provides documentation deemed by the Welfare Official to be verifiable good cause, the Fair Hearing will be rescheduled at the earliest available date. If the claimant does not provide the necessary documentation or the documentation is not deemed by the Welfare Official to be verifiable good cause, then the Fair Hearing will be held as scheduled. A claimant, who fails to appear for a scheduled Fair Hearing shall be defaulted and the Notice of Decision upheld.

2. Welfare Official Necessity for Postponement

If the Welfare Official is unable to keep the scheduled Fair Hearing, due to accident, illness, or other unforeseen circumstance; the claimant will be contacted by a Welfare Official upon notification of the need for postponement. The Fair Hearing will be rescheduled at the earliest available date.

3. Fair Hearing Officer Necessity for Postponement

If the Fair Hearing Officer is unable to keep the scheduled Fair Hearing, due to accident, illness, or other unforeseen circumstance; the claimant will be contacted by a Welfare Official upon notification of the need for postponement. The Fair Hearing will be rescheduled at the earliest available date.

C. Fair Hearing on Continuing Noncompliance

A client, who is under suspension for continuing noncompliance with the Notices of Adverse Action, may request a Fair Hearing to determine whether or not he/she has satisfactorily complied. No assistance shall be available under 165: 1-b, VI. The burden of proof lies with the claimant to show that he/she has complied with the requirements set forth in the Notice(s) of Adverse Action.

D. The Fair Hearing Officer

The Fair Hearing Officer shall be assigned by the Welfare Commissioner or his designee. The Fair Hearing Officer presiding over the Fair Hearing request must:

1. not have participated in the decision being contested,
2. be impartial,
3. be sufficiently skilled in interviewing, in order to be able to obtain evidence and facts necessary for a fair determination and
4. be capable of evaluating all evidence fairly and realistically, in order to explain to the claimant the laws and regulations under which the Welfare Official operated and to interpret to Welfare Officials any evidence of unsound and/or unclear practices or actions.

The Welfare Commissioner or his designee will contact qualified professionals from New Hampshire, and get a commitment from them to be available to preside over Fair Hearing cases.

E. Fair Hearing Procedures

A Fair Hearing Officer shall be appointed to review the case record or other material relating to the appeal. The decision of the Fair Hearing Officer must be based on the case record, RSA 165 and these Guidelines. Evidence, both written and verbal, which is admitted at the hearing, shall be limited to facts pertaining to the claimant's appeal. The Fair Hearing Officer shall not review the case record or other materials prior to their introduction at the Fair Hearing.

1. All Fair Hearings shall be conducted in such a manner as to ensure that both parties are treated impartially. Fair Hearings shall not be conducted according to strict rules of evidence. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
2. If the claimant desires to be represented by another party at the Fair Hearing, the claimant must provide a written statement indicating the name and contact information of the representing party.
3. The Welfare Official responsible for the disputed decision and the claimant with authorized representative(s), if applicable, shall attend the Fair Hearing and testify to the reasons his/her actions were taken.
4. The parties may stipulate to any facts.
5. A claimant has the right to examine, prior to the Fair Hearing by appointment only, all records and documents from the claimant's case record related to the adverse action pertaining to the Fair Hearing request.
6. The Welfare Official and/or authorized representative(s) shall have the right to examine prior to the Fair Hearing all records and documents on which the claimant and/or their authorized representative(s) plan to rely on at the Fair Hearing.
7. Both parties must disclose all new evidence, which is to be introduced at the Fair Hearing that is not contained in the case record, no later than one (1) working day before the scheduled Fair Hearing. Failure to adhere to this time frame will prohibit the introduction of such evidence.
8. Both parties shall be given the opportunity to offer evidence and explain their positions fully and completely. The claimant, or their authorized representative(s), shall have the option to bring witnesses; to establish all pertinent facts; to advance any arguments without undo interference; to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses. The Welfare Official and/or his/her authorized representative(s) shall have the same rights as those enumerated above for the claimant.
9. Any claimant may withdraw his/her request for a Fair Hearing at any time up to the time of the Fair Hearing, in writing, using the Department's Fair Hearing Request Withdrawal Form. (Appendix I)
10. None of the Fair Hearing procedures specified herein shall limit any right of the claimant to subsequent court action to review or challenge an adverse Fair Hearing decision.
11. A claimant and/or their authorized representative who fails to appear for any scheduled Fair Hearing within 15 minutes after its scheduled starting time without verifiable good cause shall be deemed to have lost his/her appeal by default and shall be notified of such default judgment in writing by the Fair Hearing Officer.

F. Fair Hearing Decisions

1. Fair Hearing decisions shall be rendered within seven (7) working days of the hearing. Decisions shall be in writing, setting forth the reasons for the decision. Fair Hearing decisions will be rendered on findings of fact, RSA 165

- and these Guidelines. A copy of the decision shall be mailed or delivered to the claimant and to the Welfare Official.
2. The Fair Hearing decision will determine which party prevails. If the claimant prevails, the Welfare Official shall set forth the appropriate relief based on the Fair Hearing decision. If the Welfare Department prevails, the assistance given pending the Fair Hearing shall be a debt owed by the claimant to the City of Manchester Welfare Department.
 3. The City of Manchester Welfare Department shall keep all Fair Hearing decisions on file in chronological order.

XIII. RECOVERY OF ASSISTANCE

The Welfare Official shall seek to recover money expended to assist a former client and/or a current client in accordance with RSA 165.

A. Recovery from Legally Liable Relatives

The amount of money spent by a municipality to assist a client, who has legally liable relatives of sufficient ability to also support the client, may be recovered from those legally liable relatives. Sufficient ability shall be deemed to exist when a relatives' weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. The Welfare Official may determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability for support. Written notice of money spent in support of a client, must be given to the legally liable relatives. The Welfare Official shall attempt to give such written notice prior to the giving of assistance; but assistance to which a client is eligible under these Guidelines, shall not be delayed, due to inability to contact potentially legally liable relatives. Inability to contact potentially legally liable relatives must not be the result of client's failure to provide the information. (RSA 165:19)

B. Recovery from the Municipality of Residence

The Welfare Official shall seek to recover from the municipality of residence the amount of money spent by the City of Manchester Welfare Department to assist a client who has a residence in another municipality. Written notice of the money spent in support of a client must be given to the Welfare Official of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party.

C. Recovery From Former/Current Client's Income

A former/current client, who is returned to an income status after receiving assistance, may be required to reimburse the municipality for the assistance provided; if such reimbursement can be made without financial hardship. The procedure followed will be in accordance with RSA 165:20-b.

D. Recovery From State and Federal Sources

The amount of money spent by a municipality to support a client, who has applied for SSI and who has signed the NH Department of Health and Human Services Authorization for Reimbursement of Interim Assistance Form (#151), shall be recovered through the Social Security Administration and the New Hampshire Department of Health and Human Services. Prescription expenses paid by the municipality for a client, who has applied for Medicaid, can be recovered through the New Hampshire Department of Health and Human Services, if and when the client is approved for medical coverage.

XIV. LIENS

A. Real Estate

In accordance with RSA 165:28, a lien for General Assistance received may be placed on any real estate owned by an assisted person, except for a verifiable just cause, approved by the Welfare Commissioner or his designee.

B. Civil Judgments

The City of Manchester shall be entitled to place a lien upon property passing under the terms of a will or by intestate succession, a property settlement or a civil judgment for personal injuries awarded any person granted assistance by the City of Manchester, under RSA 165 for the amount of assistance granted by the City of Manchester. (RSA 165:28a)

XV. APPLICATION OF RENT PAID BY THE CITY OF MANCHESTER

A. Whenever the owner of property rented to a person receiving assistance from the City of Manchester is in arrears in sewer, water, tax payments or other debts owed to the City, the City may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. (RSA 165:4-a)

B. A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. (RSA 165:4-a)

C. Delinquent property tax balances will be first priority, followed by delinquent sewer/water balances and other debts owed to the City of Manchester.

XVI. BURIAL OR CREMATION

The City of Manchester Welfare Department shall provide assistance with burial or cremation of eligible persons residing in the City of Manchester at the time of death, once it has been determined that there are no other financial resources to pay for this expense.

The legal next of kin, as established by RSA 165:19, must complete the application process and receive a determination of eligibility, prior to making any final arrangements or incurring any such costs. In such cases where there is no legal next of kin, the nearest relative or unrelated person of interest will complete the application process on behalf of the deceased.

The Welfare Official will make a determination of eligibility as described in the City of Manchester Welfare Guidelines, based on the financial resources of the deceased and his or her legally liable relatives. Payment for burial or cremation is limited to \$750.00. All financial resources will be considered when making a determination of eligibility and will be applied toward the potential cost to the City of Manchester Welfare Department. The person(s) handling the financial arrangements shall not insist on other than the least expensive arrangements. Special religious rites or preferences will not be paid for the at the public's expense.

In such cases where the deceased or legally liable relatives have financial resources in excess of \$750.00, City Welfare will not provide assistance with burial or cremation. (RSA 165:19, RSA 165:27a)

In such cases where the deceased, at the time of death, had a residence in another city, town or state, the City of Manchester has no duty to financially assist and would refer the next of kin or unrelated person of interest to contact the appropriate agency.

XVII. NON-RESIDENTS

No persons shall be refused assistance solely on the basis of residence. (RSA 165:1)
An application will be processed in accordance with the City of Manchester Welfare Department Guidelines. The City of Manchester Welfare Department complies with the New Hampshire Local Welfare Administrators Association's Ethics Resolution.
(Appendix D)

XVIII. IMMIGRATION POLICY

The Welfare Department acts in accordance with state and federal laws concerning assistance to immigrants. The City of Manchester Welfare Department utilizes the Department of Homeland Security's SAVE Program (Systematic Alien Verification for Entitlements) to determine the Qualified Alien Status, thereby ensuring only qualified applicants/clients apply for and receive General Assistance.

XIX. DEPARTMENT FRAUD POLICY

- A. The City of Manchester Welfare Department will not provide payment for expenses incurred as a result of fraudulent activity by any party.
- B. Cases of suspected fraud, including but not limited to false statements regarding income, employment status, residence, household members and bank accounts or other assets, shall be reported to any other agency(ies) and/or person(s) for such action as may be appropriate. When making such reports the City of Manchester Welfare Department will provide all appropriate records and documents in its possession to that agency/(ies) and/or person(s).
- C. Applicants/clients may be prosecuted for a criminal offense, should that applicant/client obtain, or attempt to obtain, any Manchester City Welfare assistance to which they are not entitled by means of misrepresentation or false statement, impersonation or any other fraudulent act, omission or device of any kind or nature. (RSA 641:3)

XX. DEPARTMENT THREAT POLICY

An applicant/client, who makes threatening statements and/or actions against staff members, may be prohibited from returning to the City of Manchester Welfare Department Office. In such cases, an applicant/client may be required to conduct all business with this department via phone, fax, and/or mail. The Welfare Commissioner or his designee will implement, when necessary, appropriate measures to insure office personnel are not placed in harm's way, which will include reporting such statements and/or actions to the Manchester Police Department.

XXI. PRE-APPROVAL TO SUPERCEDE GUIDELINES

If through emergency, necessity or unusual circumstances, these Guidelines need to be superseded, the Welfare Official must obtain pre-approval from the Welfare Commissioner or his designee.

XXII. PAYMENT LEVEL DETERMINATION

The payment level for any particular allowable expense shall be based on local market conditions and costs. The payment levels shall be reviewed by the Welfare Commissioner, and if warranted, will be updated to reflect changes in the market.

XIII. SEVERABILITY

If any provision of these Guidelines is held at law to be invalid or inapplicable to any person or circumstances, the remaining provisions will continue in full force and effect.

APPENDIX A

State of New Hampshire Revised Statutes Chapter 165: Aid to Assisted Persons

Section 165:1 Who Entitled; Local Responsibility
Section 165:1-a Assisted Person Defined; Local Responsibility
Section 165:1-b Disqualification for Noncompliance with Guidelines
Section 165:1-c Nonresidents
Section 165:1-d Disqualification for Voluntary Termination of Employment
Section 165:1-e Option to Treat a Qualified State Assistance Reduction as Deemed Income
Section 165:2 Administration of General Assistance
Section 165:2-a Expense of General Assistance
Section 165:2-b Disqualification for Certain Property Transfers
Section 165:2-c Withholding Names of Recipients of Aid
Section 165:3 Burial or Cremation
Section 165:4 Information Regarding Bank Deposits
Section 165:4-a Application of Rents Paid by the Municipality
Section 165:4-b Process for Application of Rents Paid by the Municipality
Section 165:5 Who Entitled
Section 165:6 Limitations [Repealed]
Section 165:7-11 [Repealed]
Section 165:12 Withholding Names of Certain Recipients of Aid
Section 165:13 Inspection of Account [Repealed]
Section 165:14 Penalty [Repealed]
Section 165:15 Admission to Home [Repealed]
Section 165:16 Burial Expenses
Section 165:17 Definition of Terms
Section 165:18 Limitation [Repealed]
Section 165:19 Liability for Support
Section 165:20 Recovery of Expense
Section 165:20-a Settlement of Disputes
Section 165:20-b Recovery from Recipients
Section 165:20-c Reimbursement From the State of New Hampshire
Section 165:21-24 [Repealed]
Section 165:25 Limitation of Action
Section 165:26 Transfer of Action
Section 165:27 Recovery From Estates
Section 165:27-a Assignment for Funeral and Burial or Cremation Expenses
Section 165:28 Liens on Real Property
Section 165:28-a Liens on Civil Judgments
Section 165:29 Enforcement of Liens
Section 165:30 Relative Priority
Section 165:31 Work Program Requirements for Assisted Persons
Section 165:32 Employment of Relatives
Section 165:33 City or Town Districts
Section 165:34 City or Town May Contract with County
Section 165:35 Rulemaking

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165-

AID TO ASSISTED PERSONS

165:1 Who Entitled; Local Responsibility.

I. Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there. For the purposes of this chapter the term "residence" shall have the same definition as in RSA 21:6-a.

II. The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be limited to, the following:

(a) The process for application for general assistance.

(b) The criteria for determining eligibility.

(c) The process for appealing a decision relative to the granting of general assistance.

(d) The process for the application of rents under RSA 165:4-b, if the municipality uses the offset provisions of RSA 165:4-a.

(e) A statement that qualified state assistance reductions under RSA 167:82, VIII may be deemed as income, if the local governing body has permitted the welfare administrator to treat a qualified state assistance reduction as deemed income under RSA 165:1-e.

III. Whenever a town provides assistance under this section, no such assistance shall be provided directly to a person or household in the form of cash payments.

Source. RS 66:1. CS 70:1. GS 74:1. GL 82:1. PS 84:1. PL 106:1. RL 124:1. RSA 165:1. 1979, 243:1; 351:2. 1985, 380:2. 1986, 5:2. 1991, 355:56. 1992, 184:1. 1996, 175:2, eff. Aug. 2, 1996.

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AID TO ASSISTED PERSONS

165:1-a Assisted Person Defined; Local Responsibility.

Any person in a town or city who is poor and unable to support himself shall be known as a town or city assisted person, and shall be relieved and maintained at the expense of the town or city of residence.

Source. 1977, 336:1. 1985, 380:3, eff. Jan. 1, 1986.

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165:1-b Disqualification for Noncompliance With Guidelines.

I. Any person otherwise eligible for assistance under this chapter shall become ineligible to receive such assistance if he willfully fails to comply with written guidelines adopted by the governing body of the town or city relating to:

- (a) Disclosure of income, resources, or other material financial data;
- (b) Participation in a work program authorized under this chapter;
- (c) Reasonable work search; or
- (d) Application with other public assistance agencies.

II. No person shall be found ineligible for assistance or suspended from assistance pursuant to paragraph I until he has been given:

- (a) A written notice stating those specific actions he must take in order to comply; and
- (b) A 7-day period within which to comply after receiving such notice.

III. If a person does not comply within the 7 days, the town or city may issue to the person a written notice that the person is ineligible for assistance or suspended from assistance. The written notice shall include a list of the guidelines with which the person is not in compliance, those actions necessary for compliance, and written notice of the opportunity to request a hearing within 5 days.

IV. If such person requests a hearing, the town or city shall give him an opportunity to continue to receive assistance, pending the outcome of the hearing, in accordance with any prior eligibility determination.

V. The period of ineligibility or suspension pursuant to this section shall be 7 days; provided, however, that any such suspension within 6 months after the end of any prior suspension period shall be for 14 days; and provided further that if upon the expiration of the 7-day or 14-day disqualification period the person continues to fail to carry out the specific actions set forth in the notice required in paragraph III, the disqualification shall continue until the person complies.

VI. The overseers of public welfare shall not be required to accept an application for general assistance from a person who is subject to disqualification or suspension under this section; provided, however, that in the event such disqualification or suspension continues beyond the 7 or 14-day period due to continued noncompliance pursuant to paragraph IV, and there is a dispute over a contention by such person that he has satisfactorily complied with the requirements set forth in the notice required by paragraph III, such person shall be given an opportunity to request a hearing to determine that issue, but paragraph IV shall not apply to such a hearing.

Source. 1985, 106:1. 1986, 142:1, eff. Jan. 1, 1987.

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165:1-c Nonresidents.

Any person, poor and unable to support himself, who is temporarily in a town or city which is not his residence, and who does not intend to make it his residence, shall be provided such temporary assistance as is reasonable and necessary by such town or city. Such town or city may, if requested, cause such person to be returned to his residence.

Source. 1985, 380:4, eff. Jan. 1, 1986.

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PUBLIC SAFETY AND WELFARE

CHAPTER 165-

AID TO ASSISTED PERSONS

165:1-d Disqualification for Voluntary Termination of Employment.

I. Any person eligible for assistance under this chapter, who voluntarily terminated employment within the 60-day period before filing an application for assistance, shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the following conditions are met:

- (a) The person received general assistance within the last 365 days and was given notice that voluntary termination of employment without good cause could lead to disqualification from receiving general assistance in the future.
- (b) There are no minor or dependent children in the person's household which the person is legally responsible for supporting.
- (c) At the time of termination of employment, the person did not have a mental or physical impairment which caused such person to be unable to work.
- (d) The employment that the person voluntarily terminated consisted of at least 20 hours of work per week, and the person has not become reemployed for at least 2 weeks at a level consisting of at least 20 hours of work per week.
- (e) The person did not have good cause for terminating the employment, as defined in paragraph II.

II. Good cause for terminating employment shall include any of the following:

- (a) Discrimination by an employer based on age, race, sex, physical or mental disability, religion, or national origin.
- (b) Work demands or conditions that render continued employment unreasonable.
- (c) Retirement by a person 62 years of age or over or resignation by a person under 62 years of age which is recognized by the employer as retirement.
- (d) Employment which becomes unsuitable following the applicant's acceptance of such employment.
- (e) Leaving a job in order to accept a bonafide job offer which, because of circumstances beyond the control of the applicant, subsequently either does not materialize or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage multiplied by 20 hours.
- (f) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun.
- (g) Leaving a job because of circumstances, such as lack of transportation or a household emergency, which are beyond the control of the applicant to remedy as determined by the overseer of public welfare and which make continued employment impracticable.
- (h) Termination of employment for other good cause.

III. The applicant shall be responsible for demonstrating good cause. The welfare officer may offer assistance in obtaining necessary information.

IV. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for

work without good cause, as defined in paragraph II, resulting in the termination of the applicant's employment. An applicant who is fired or resigns from a job at the request of the employer due to the applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.

V. No person shall be found ineligible for assistance due to a voluntary employment termination unless the applicant has been given a written application for assistance and a written notice stating the reason for the denial of assistance and the specific actions which must be taken in order to reinstate eligibility, along with a written notice of the opportunity to request a hearing within 5 days.

VI. Notwithstanding a voluntary termination without good cause, assistance under this chapter may be given if the welfare officer determines that denial of assistance will put that person or members of the person's household at substantial risk of injury to health or other serious harm, which cannot be avoided or mitigated by other public or private resources.

VII. The provisions of RSA 165:1-b, II-VI shall not apply to persons found ineligible for assistance because of voluntary termination of employment without good cause. However, if at any time during the disqualification period, there is a dispute whether a person has satisfactorily complied with the requirements set forth in the written notice provided for by paragraph V, the person shall be given an opportunity to request a hearing to determine that issue only.

Source. 1995, 221:1, eff. Aug. 11, 1995.

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165:1-e Option to Treat a Qualified State Assistance Reduction as Deemed Income.

The local governing body of a town or city may permit the welfare administrator to deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section:

I. The authority to deem income under this section shall terminate when the qualified state assistance reduction no longer is in effect.

II. Applicants for general assistance may be required to cooperate in obtaining information from the department of health and human services as to the existence and amount of any qualified state assistance reduction. No applicant for general assistance may be considered to be subject to a qualified state assistance reduction unless the existence and amount of the reduction has been confirmed by the department of health and human services.

III. The welfare administrator shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.

IV. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the welfare administrator shall waive that portion, if any, of the qualified state assistance reduction as is necessary.

Source. 1996, 175:3, eff. Aug. 2, 1996.

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AID TO ASSISTED PERSONS

165:2 Administration of General Assistance.

The administrator of town or city welfare in each town or city shall administer general assistance to all persons who are eligible for such assistance as provided under RSA 165:1-a and RSA 165:1-c.

Source. 1875, 7:3. GL 269:20. PS 84:7. PL 106:7. RL 124:2. RSA 165:2. 1985, 380:5. 1988, 180:1, eff. June 25, 1988.

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165:2-a Expense of General Assistance.

The financial responsibility for general assistance for assisted persons shall be the responsibility of the town or city in which the person making application resides, except as otherwise provided in RSA 165:1-c and 165:20-c.

Source. 1985, 380:6. 1988, 180:1. 1993, 229:2, eff. July 1, 1993.

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165:2-b Disqualification for Certain Property Transfers.

No person who is otherwise eligible for assistance under this chapter shall receive such assistance if he has made an assignment, transfer or conveyance of property for the purpose of rendering himself eligible for such assistance within 3 years immediately preceding his application for such assistance.

Source. 1985, 380:6, eff. Jan. 1, 1986.

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PUBLIC SAFETY AND WELFARE
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165:2-c Withholding Names of Recipients of Aid.

Notwithstanding any other provision of law to the contrary, no town, city or county official shall publish or disclose or allow to be published or disclosed in the annual report of the town, city or county, or in any other document or letter, except as is necessary for and connected with the administration of this chapter, the name, address or any other identifying information of any recipient who is receiving assistance or aid; provided, however, that any taxpayer shall be allowed to see the itemized account of such aid furnished. Any person violating any provision of this section shall be guilty of a violation.

Source. 1985, 380:6, eff. Jan. 1, 1986.

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165:3 Burial or Cremation.

I. If an assisted person shall die in any town or city the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city.

II. Notwithstanding any provision of paragraph I to the contrary, if an assisted person dies in a county nursing home, the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city in which the assisted person was a resident, as that term is defined in RSA 21:6, on the date on which the assisted person entered the county nursing home.

Source. RS 66:7. CS 70:7. GL 82:7. PS 84:8. PL 106:8. RL 124:3. RSA 165:3. 1985, 380:45, 47. 1993, 308:3. 2000, 202:1, eff. Jan. 1, 2001.

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165:4 Information Regarding Bank Deposits.

A cashier of a national bank and a treasurer of a savings bank and a trust company may, when requested by an overseer of public welfare of a town or city in the state, furnish to said overseer any information asked relative to the deposit of a person receiving or applying for public support.

Source. 1933, 116:1. RL 124:4. RSA 165:4. 1985, 380:45, eff. Jan. 1, 1986.

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165:4-a Application of Rents Paid by the Municipality.

Whenever the owner of property rented to a person receiving assistance under this chapter is in arrears in sewer, water, electricity, or tax payments to the municipality, the municipality may apply, upon approval of the governing body, the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. For purposes of this section, a payment shall be considered "in arrears" if more than 30 days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13.

Source. 1992, 184:2, eff. July 11, 1992.

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165:4-b Process for Application of Rents Paid by the Municipality.

Prior to utilizing the optional offset provisions of RSA 165:4-a, the governing body shall adopt, as part of the guidelines required under RSA 165:1, II, rules governing the process, including a policy which specifically sets out which bill shall be offset first and any further priority of such offset payments and a procedure for notifying the landlord.

Source. 1992, 184:2, eff. July 11, 1992.

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Veterans' Relief

165:5 Who Entitled.

Whenever any person, resident in this state, who served in the armed forces of the United States, in any war, insurrection, campaign, or expedition, in which the United States was engaged, and who received an honorable discharge, not being under guardianship or legal restraint, shall become poor and unable to provide maintenance for himself and his dependent family, such person, his wife, widow, or minor children, shall be supported at the public expense in the town or city of their abode, at their own home or such place, other than a town or county almshouse, as the overseers of public welfare or the county commissioners shall deem proper.

Source. 1885, 41:1, 2. 1887, 45:1. 1889, 81:1. 1891, 38:2. PS 84:9. 1901, 116:1. 1921, 104:1. PL 106:9. 1933, 78:1. RL 124:5. RSA 165:5. 1959, 98:1, eff. July 13, 1959.

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AID TO ASSISTED PERSONS

Veterans' Relief

165:6 Limitations.

[Repealed 1985, 380:51, II, eff. Jan. 1, 1986.]

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Veterans' Relief

165:7 to 165:11 Repealed.

[Repealed 1988, 180:5, eff. June 25, 1988.]

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Veterans' Relief

165:12 Withholding Names of Certain Recipients of Aid.

[Repealed 1985, 380:51, III, eff. Jan. 1, 1986.]

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CHAPTER 165-
AID TO ASSISTED PERSONS

Veterans' Relief

165:13 Inspection of Account.

[Repealed 1985, 380:51, IV, eff. Jan. 1, 1986.]

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CHAPTER 165-
AID TO ASSISTED PERSONS
Veterans' Relief

165:14 Penalty.

[Repealed 1988, 180:5, eff. June 25, 1988.]

TITLE XII
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Veterans' Relief

165:15 Admission to Home.

[Repealed 1985, 380:51, V, eff. Jan. 1, 1986.]

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CHAPTER 165-
AID TO ASSISTED PERSONS
Veterans' Relief

165:16 Burial Expenses.

Whenever any person, a resident in this state, who served in the armed forces of the United States in any of the wars or conflicts defined in RSA 165:17 for a total of 90 days, unless sooner released from such service by reason of disability incurred in service, and whose services were terminated under conditions other than dishonorable, dies and did not leave sufficient estate to pay the expenses of his funeral, or was an assisted person, the overseers of public welfare shall cause him to be decently buried at the expense of the municipality in which he died. Funds received from the Department of Veterans Affairs towards burial expenses shall be retained by the municipality. The municipality shall make a request to the Department of Veterans Affairs to provide a suitable monument.

Source. 1909, 130:1. 1911, 31:1. 1919, 135:1. 1921, 63:1. 1925, 93:1. PL 106:20. 1929, 28:1. RL 24:16. 1943, 102:1. 1945, 88:1. 1947, 214:1. 1949, 28:1; 167:4. RSA 165:16. 1959, 77:1. 1965, 87:1. 1967, 171:1. 1988, 180:3, eff. June 25, 1988.

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PUBLIC SAFETY AND WELFARE
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AID TO ASSISTED PERSONS

Veterans' Relief

165:17 Definition of Terms.

The following terms as used in RSA 165:16 shall be construed to mean service between the following dates:

I. "Spanish War" between April 21, 1898 and April 11, 1899.

II. "Philippine Insurrection" between April 12, 1899 and July 4, 1902 extended to July 15, 1903 for service in the Moro Provinces.

III. "Boxer Rebellion" between June 16, 1900 and May 12, 1901.

IV. "World War I" between April 6, 1917 and November 11, 1918 extended to April 1, 1920 for service in Russia, provided that military or naval service on or after November 12, 1918 and before July 2, 1921 where there was prior service between April 6, 1917 and November 11, 1918, shall be considered as World War I service.

V. "World War II" between December 7, 1941 and December 31, 1946.

VI. "Korean Conflict" between June 25, 1950 and January 31, 1955.

VII. "Viet Nam Conflict" between August 5, 1964 and May 7, 1975.

Source. 1949, 167:5. 1951, 176:1. RSA 165:17. 1965, 69:1. 1967, 171:2. 1988, 180:4, eff. June 25, 1988.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Veterans' Relief

165:18 Limitation.

[Repealed 1988, 180:5, eff. June 25, 1988.]

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS
Liability for Support, and Recovery Over

165:19 Liability for Support.

The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, or wife shall assist or maintain such person when in need of relief. Said relation shall be deemed able to assist such person if his weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman, or overseer of public welfare, such person or persons shall upon complaint of one of these officials be summoned to appear in court. If, after hearing, it is found that the alleged poor person is in need of assistance, and that the relation is able to render such assistance, the court shall enter a decree accordingly and shall fix the amount and character of the assistance which the relation shall furnish. If the relation neglects or refuses to comply with the court order without good cause, as determined by the court at a hearing, or by refusing to work or otherwise voluntarily places himself in a position where he is unable to comply, he shall be deemed to be in contempt of court and shall be imprisoned not more than 90 nor fewer than 60 days. If a poor person has no relation of sufficient ability, the town or city in which he resides shall be liable for his support.

Source. RS 66:8. CS 70:8. GS 74:8. GL 82:8. PS 84:12. 1925, 112:1. PL 106:22. 1933, 65:1. RL 124:18. RSA 165:19. 1973, 115:1. 1985, 380:11, eff. Jan. 1, 1986.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS
Liability for Support, and Recovery Over

165:20 Recovery of Expense.

If a town, city, or county acting as agent for a town under RSA 165:34 spends any sum for the support, return to his home, or burial of an assisted person having a residence in another town or city, or for an assisted person having relations able to support him under RSA 165:19, such sum may be recovered from the town, city or relation so chargeable or from a county acting as agent for the town under RSA 165:34. In any civil action brought under this section to recover such sum, the court shall award costs to the prevailing party.

Source. RS 66:9. CS 70:9. GS 74:9. 1875, 7:4. GL 82:10; 269:21. PS 84:13. PL 106:23. RL 124:19. RSA 165:20. 1967, 192:3. 1977, 152:2; 367:1. 1985, 380:12, eff. Jan. 1, 1986.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:20-a Settlement of Disputes.

I. In any case where a town, city, county or the state seeks to recover a sum spent on assistance to a person and there is a dispute between a town, city, county or the state as to the liability for such assistance, the voluntary arbitration system established by this section shall be available.

II. The department of health and human services shall maintain a roster of the selectmen and welfare administrators of the cities, towns, and counties of the state. If a town, city, county or the state decides to avail itself of the voluntary arbitration system, the commissioner of the department of health and human services or his designee shall randomly select a panel of 3 persons from the roster to arbitrate the dispute. No selectman or welfare administrator shall serve on any panel resolving a dispute concerning his own city, town or county.

III. Any such voluntary arbitration session shall be held at a time and place to be determined by the commissioner of health and human services.

IV. The costs of such voluntary arbitration shall be equally divided between the town, city, county or the state involved in the dispute.

V. Any town, city, county or the state choosing the forum of the voluntary arbitration system shall lose the right to litigate the issue, and the decision of the panel of arbitrators shall be final.

Source. 1977, 373:1. 1979, 228:1. 1983, 291:1. 1985, 380:13. 1995, 310:176, 181, 182, eff. Nov. 1, 1995.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:20-b Recovery From Recipients.

Any town or city furnishing assistance to any person who is returned to an income status after receiving the assistance which enables him to reimburse the town or city without financial hardship may recover from such person the amount of assistance provided.

Source. 1981, 503:8. 1985, 380:45, eff. Jan. 1, 1986.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:20-c Reimbursement From the State of New Hampshire.

I. If any person receiving general assistance from a town or city under the provisions of this chapter is deemed to be eligible for assistance under the provisions of RSA 167, the commissioner of health and human services shall reimburse such town or city the amount of assistance provided by the town or city as a result of the commissioner of health and human services' delays in processing within the federally mandated time periods.

II. Any claims for reimbursement under this section shall be held until the end of the fiscal year. If the total of all claims for reimbursement does not exceed \$100,000, all validated claims shall be paid in full. If such total exceeds \$100,000, claims shall be reimbursed on a prorated basis so that the total paid out for claims shall not exceed \$100,000.

Source. 1993, 229:1. 1995, 310:179, eff. Nov. 1, 1995.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:21 to 165:24 Repealed.

[Repealed 1967, 192:10, eff. Jan. 1, 1968.]

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:25 Limitation of Action.

Actions by towns and cities to recover the expense of support, return to his home, or burial of a poor person may be brought within 6 years after the cause of action accrued and not afterward.

Source. RS 66:14. CS 70:14. GS 74:14. GL 82:15. PS 84:18. PL 106:28. RL 124:24. RSA 165:25. 1967, 192:4. 1981, 503:4. 1985, 380:14, eff. Jan. 1, 1986.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:26 Transfer of Action.

Whenever a county in which an action for the support of an assisted person is pending may eventually be liable for such support, the court, on motion, shall transfer the action to an adjoining county for adjudication.

Source. RS 66:15. CS 70:15. GS 74:15. GL 82:16. PS 84:19. PL 106:29. RL 124:25. RSA 165:26. 1985, 380:47, eff. Jan. 1, 1986.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:27 Recovery From Estates.

Towns and cities may recover from the estates of persons assisted in like manner as counties under RSA 166:19.

Source. 1903, 42:1. PL 106:30. RL 124:26. RSA 165:27. 1985, 380:15, eff. Jan. 1, 1986.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:27-a Assignment for Funeral and Burial or Cremation Expenses.

I. Except when a town or city assisted person has made arrangements for a prepaid funeral, if the total of his liquid assets at death are less than \$1,000, there shall be an automatic assignment to the funeral director or the person who paid for the funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation expenses up to \$1,000.

II. The funeral director or the person who paid for the funeral and burial or cremation expenses may submit a notarized statement to the effect that he has paid the expenses, together with an itemized list of the expenses, to the entity holding the assets. Upon submission of the statement and the list, the person shall receive payment to the extent of the expenses authorized under this section.

III. The entity making the payment shall provide a receipt and shall send a copy of the receipt to the town selectmen or city council of the appropriate town or city.

IV. If no assets remain after a payment is made under this section, the entity making the payment shall so notify the probate court having jurisdiction over the estate.

Source. 1981, 253:2. 1985, 380:16. 2000, 202:3, eff. Jan. 1, 2001.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS
Liability for Support, and Recovery Over

165:28 Liens on Real Property.

The amount of money spent by a town or city to support an assisted person under this chapter shall, except for just cause, be made a lien on any real estate owned by the assisted person. The liens are effective until enforced as provided in this chapter, or until released by the selectmen or city council; provided that there shall be no enforcement of the lien so long as the real estate is occupied as the sole residence of the assisted person, his surviving spouse, or his surviving children who are under age 18 or blind or permanently and totally disabled. Interest at the rate of 6 percent per year shall be charged on the amount of money constituting such lien commencing one year after the date of the filing of the lien unless a majority of the selectmen in the town or the councilmen in the city vote to waive such interest. The selectmen or council may file a notice of the lien or an acknowledgment of satisfaction of the lien with the register of deeds of the county in which the assisted person owns real property. A notice of lien which contains the owner's name and a description of the real property sufficient to identify it is a valid lien on the property. The register of deeds shall keep a suitable record of such notices without charging any fee therefor, and he shall enter an acknowledgment of satisfaction of the lien upon written request of the selectmen or the council without fee.

Source. 1965, 42:1. 1975, 303:1. 1985, 380:17. 1988, 180:2, eff. June 25, 1988.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS
Liability for Support, and Recovery Over

165:28-a Liens on Civil Judgments.

I. A town or city shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or a civil judgment for personal injuries awarded any person granted assistance by the town or city under RSA 165 for the amount of assistance granted by the town or city.

II. The town or city shall be entitled to the lien only if the assistance was granted no more than 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment, provided that this section shall not apply to inheritances, property settlements, or civil judgments awarded before August 28, 1981.

III. This lien shall take precedence over all other claims.

Source. 1981, 503:1. 1985, 380:45, eff. Jan. 1, 1986.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165-

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:29 Enforcement of Liens.

Liens arising under RSA 165:28 or RSA 165:28-a may be enforced by a bill in equity.

Source. 1965, 42:1. 1981, 503:3, eff. Aug. 28, 1981.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165-

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:30 Relative Priority.

Any lien arising under RSA 165:28 shall be subordinate to mortgages and other valid liens, recorded with the register of deeds prior to the recording of the notice of the lien referred to in RSA 165:28.

Source. 1965, 42:1. 1981, 503:5, eff. Aug. 28, 1981.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165-

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:31 Work Program Requirements for Assisted Persons.

I. The overseer of public welfare may require any person who is receiving support under this chapter and who is physically able to work, to participate in the municipality's work program as a condition of continued eligibility for assistance. The overseer of public welfare of the town or city may require the person receiving aid to work for the town or city at any job which it has available that is within the capacity of the person receiving support. Such persons shall receive aid in return for such required work at a rate of exchange equivalent to the prevailing wage for the kind of work they are required to perform in the community from which they receive support, as determined by the municipality's pay schedules prevailing at the time of application for assistance. The amount an assisted person may be required to reimburse the town or city for aid received shall be reduced by the credits received from participation in the municipal work program.

II. The overseer of public welfare of the town or city may require the person receiving aid to perform services for a nonprofit organization if that organization has agreed to participate as a municipal work program, and has been approved by the overseer of public welfare, provided the person is credited according to the prevailing wage scale of that institution.

III. In no case shall participation in a work program be required of the following persons as a condition of receiving assistance:

(a) Single parents with children under the age of 5 years; and

(b) Persons with mental or physical disabilities, as determined by the overseer of public welfare.

Source. 1965, 321:1. 1977, 59:1. 1985, 380:18. 1987, 261:1. 1996, 213:2, eff. Aug. 9, 1996.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165-

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:32 Employment of Relatives.

No person who is otherwise eligible for support under this chapter shall receive such support unless and until all able-bodied adults under the age of 65 years, except those regularly attending school, who are related to such person, regularly residing in the same household as such person, legally liable to contribute to the support of such person and not prevented from maintaining employment and contributing to the support of such person by reason of physical or mental disability or other substantial or other justifiable cause, are employed on a full-time basis. The amount or amounts earned by the persons obligated to maintain employment under this section shall be taken into consideration in determining the level of need for town or city support. Nothing in this section shall be so construed to deny to any minor dependent child any needed support to which he would otherwise be entitled. Unrelated adults living in the same household in loco parentis as to any such person seeking town or city support shall be obligated to contribute to the poor person's support to the same extent as the parent of such person, and in default thereof, shall be subject to the same penalties as the parent of such person would be in such case.

Source. 1969, 451:2. 1985, 380:19, eff. Jan. 1, 1986.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:33 City or Town Districts.

Any city or town may contract with one or more cities or towns to form districts. Such districts shall administer general assistance for which the respective city or town is responsible. The districts are authorized to establish the rate which will be paid to the districts by the respective city or town and to establish written guidelines under which general assistance shall be administered.

Source. 1985, 380:20, eff. Jan. 1, 1986.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

165:34 City or Town may Contract With County.

Any city or town may contract with its respective county to permit the county to act as its agent in administering general assistance for which the city or town is responsible. The city or town and the county are further authorized to establish the rate which will be paid by the cities or towns to the counties and to establish written guidelines under which general assistance shall be administered.

Source. 1985, 380:20, eff. Jan. 1, 1986.

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 165-
AID TO ASSISTED PERSONS
Liability for Support, and Recovery Over

165:35 Rulemaking.

The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

- I. Establishing forms for claims under RSA 165:20-c.
- II. Processing and validating claims under RSA 165:20-c.
- III. Any other matter necessary for the administration of this chapter.

Source. 1993, 229:3, eff. July 1, 1993.

APPENDIX B

State of New Hampshire Revised Statutes Chapter 641: Falsification in Official Matters

Section 641:1 Perjury

Section 641:2 False Swearing

Section 641:3 Unsworn Falsification

Section 641:4 False Reports to Law Enforcement

Section 641:5 Tampering With Witnesses and Informants

Section 641:6 Falsifying Physical Evidence

Section 641:7 Tampering With Public Records or Information

Section 641:8 False Filing With the Director of Charitable Trusts.

TITLE LXII CRIMINAL CODE

CHAPTER 641- FALSIFICATION IN OFFICIAL MATTERS

641:1 Perjury.

I. A person is guilty of a class B felony if in any official proceeding:

(a) He makes a false material statement under oath or affirmation, or swears or affirms the truth of a material statement previously made, and he does not believe the statement to be true; or

(b) He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

II. "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental body or official authorized by law to take evidence under oath or affirmation including a notary or other person taking evidence in connection with any such proceeding. "Material" means capable of affecting the course or outcome of the proceeding. A statement is not material if it is retracted in the course of the official proceeding in which it was made before it became manifest that the falsification was or would be exposed and before it substantially affected the proceeding. Whether a statement is material is a question of law to be determined by the court.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641- FALSIFICATION IN OFFICIAL MATTERS

641:2 False Swearing.

A person is guilty of a misdemeanor if:

I. He makes a false statement under oath or affirmation or swears or affirms the truth of such a statement previously made and he does not believe the statement to be true if:

(a) The falsification occurs in an official proceeding, as defined in RSA 641:1, II, or is made with a purpose to mislead a public servant in performing his official function; or

(b) The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or

II. He makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

III. No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641- FALSIFICATION IN OFFICIAL MATTERS

641:3 Unsworn Falsification.

A person is guilty of a misdemeanor if:

I. He or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or

II. With a purpose to deceive a public servant in the performance of his or her official function, he or she:

(a) Makes any written or electronic false statement which he or she does not believe to be true; or

(b) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or

(c) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or

(d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

III. No person shall be guilty under this section if he or she retracts the falsification before it becomes manifest that the falsification was or would be exposed.

Source. 1971, 518:1, eff. Nov. 1, 1973. 2003, 158:2, eff. June 17, 2003.

TITLE LXII CRIMINAL CODE

CHAPTER 641- FALSIFICATION IN OFFICIAL MATTERS

641:4 False Reports to Law Enforcement.

A person is guilty of a misdemeanor if he:

I. Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense; or

II. Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, or the danger from an explosive or other dangerous substance, knowing that the offense or danger did not occur or exist or knowing that he has no information relating to the offense or danger.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641- FALSIFICATION IN OFFICIAL MATTERS

641:5 Tampering With Witnesses and Informants.

A person is guilty of a class B felony if:

I. Believing that an official proceeding, as defined in RSA 641:1, II, or investigation is pending or about to be instituted, he attempts to induce or otherwise cause a person to:

(a) Testify or inform falsely; or

(b) Withhold any testimony, information, document or thing; or

(c) Elude legal process summoning him to provide evidence; or

(d) Absent himself from any proceeding or investigation to which he has been summoned; or

II. He commits any unlawful act in retaliation for anything done by another in his capacity as witness or informant; or

III. He solicits, accepts or agrees to accept any benefit in consideration of his doing any of the things specified in paragraph I.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641- FALSIFICATION IN OFFICIAL MATTERS

641:6 Falsifying Physical Evidence.

A person commits a class B felony if, believing that an official proceeding, as defined in RSA 641:1, II, or investigation is pending or about to be instituted, he:

I. Alters, destroys, conceals or removes any thing with a purpose to impair its verity or availability in such proceeding or investigation; or

II. Makes, presents or uses any thing which he knows to be false with a purpose to deceive a public servant who is or may be engaged in such proceeding or investigation.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641- FALSIFICATION IN OFFICIAL MATTERS

641:7 Tampering With Public Records or Information.

A person is guilty of a misdemeanor if he:

- I. Knowingly makes a false entry in or false alteration of any thing belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government; or
- II. Presents or uses any thing knowing it to be false, and with a purpose that it be taken as a genuine part of information or records referred to in paragraph I; or
- III. Purposely and unlawfully destroys, conceals, removes or otherwise impairs the verity or availability of any such thing.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641- FALSIFICATION IN OFFICIAL MATTERS

641:8 False Filing With the Director of Charitable Trusts.

A person shall be guilty of a class B felony if he knowingly makes a false entry in or false alteration of any registration statement, annual report or other information required to be filed with the director of charitable trusts.

Source. 1992, 239:3, eff. July 1, 1992.



Appendix C

City of Manchester, NH Welfare Department
1528 Elm Street
Manchester, NH 03101-1350
Phone: 603-624-6484 Fax: 603-624-6423
Email: welfare@manchesternh.gov

NOTICE OF RIGHTS OF ANYONE REQUESTING AND/OR RECEIVING ASSISTANCE FROM THE CITY OF MANCHESTER, NH WELFARE DEPARTMENT

You have the following rights:

1. You have the RIGHT to make a written application for assistance;
2. You have the RIGHT to receive a timely written notice regarding your request for assistance;
3. You have the RIGHT to be treated fairly;
4. You have the RIGHT to be given a written Notice of Decision detailing the determinations made by the Welfare Official, i.e., pending, approved, suspended or ineligible;
5. You have the RIGHT to request a Fair Hearing if assistance has been reduced, suspended or determined ineligible based on an adverse action stated on a Notice of Decision;
6. Your RIGHT to request a Fair Hearing must be made in writing on the Fair Hearing Request Form within five (5) working days after receiving your Notice of Decision;
7. You have the RIGHT to be represented at the Fair Hearing at your own expense;
8. You have the RIGHT to request to have your assistance continued if you are already receiving assistance when you request a Fair Hearing;
9. You have the RIGHT to review, by appointment only, the Notices of Decision and documentation related to the adverse action pertaining to your Fair Hearing request;
10. You have the RIGHT to review the City of Manchester Welfare Department General Assistance Guidelines. Copies are available on the Internet at www.manchesternh.gov, as well as at the Manchester City Libraries.
11. You have the right to review your case record by appointment.

Appendix D

ADOPTED ETHICS RESOLUTION ON RESPONSIBILITY FOR PERSONS WHO CHANGE THEIR RESIDENCE WHILE, OR AS A RESULT OF, APPLYING FOR LOCAL WELFARE

(New Hampshire Local Welfare Administrators Association)

- I. “Dumping” is hereby declared to be an unethical practice. For purposes of this resolution, “dumping” consists of attempting to end, or avoid acquiring, a local welfare financial responsibility by encouraging, persuading or pressuring a client:
- A. not to establish, or to discontinue, a residence in the town which he/she has applied for assistance, or
 - B. to establish a residence in another town.

- II. In order to avoid “dumping” the following standards should be observed:

A welfare administrator should not encourage, direct, or knowingly allow a client who has applied for assistance in his/her town to apply for assistance in another town without making a good faith effort to contact the welfare administrator in that other town to explain why the person is coming to the other town. This applies whether or not the welfare administrator has accepted initial financial responsibility for the person (i.e. treat him/her as a resident) unless:

- A. he/she has an established place of abode (specific address, place to sleep) in another town which he/she intends to return to (even for just one night – i.e., hasn’t moved out of yet), or
- B. he/she has NO established place of abode ANYWHERE, (i.e., any prior specific address was in some other town and has been abandoned) AND has a specific intent to go somewhere else rather than staying in the town for any time.

(Even when an applicant falls into A. or B. above, some temporary, non-resident assistance may be necessary, depending on the circumstances, in order to send the person on his/her way.)

- III. Where a town has accepted initial financial responsibility under paragraph II above, the welfare administrator should not grant any assistance which he/she knows will be used so as to help establish the recipient’s residence in another town, unless:
- A. a good faith effort is made to explore local resources, after which it is discovered that none within reason is available, or
 - B. unless the client has indicated an intent to move to another town for some non-welfare-related reason.

In either case the welfare administrator who has accepted initial financial responsibility should contact the official of the other town and offer to pay up to one month’s assistance following the move if necessary.

Towns must avoid “special” treatment. If a town never pays security deposits, the town must not pay security deposits in special instances to establish a client’s residence elsewhere. The sending town should pay actual allowable shelter costs as determined by the receiving town’s guidelines.

IV. Residency

According to RSA 126-A:43-h, persons receiving emergency housing (shelter) shall continue to maintain their legal residence as it existed at the time of entering the emergency housing facility. When a person leaves the originating shelter of their own free will, the liability no longer remains the responsibility of the original town. A person does not gain or lose residency while in a shelter, hospital or treatment center.

Persons who are sanctioned by local welfare, and arrive in another community, are not the liability of the community where the sanction originated. However, arrangements may be made between the two communities to have the sanction resolved.

APPENDIX E

NH WELFARE BENEFIT PROGRAMS

BENEFIT PROGRAM	PERSONS ELIGIBLE	SOURCE OF FUNDS	GOV'T WHICH ADMINISTERS	GOV'T WHICH SETS STANDARDS
TOWN				
Town Welfare RSA 165:1, I	poor and in need	Local Property Tax	Town	Town
STATE				
APTD Aid to the Permanently & Totally Disabled RSA 167:6, VI	low income Adults 18-64 Permanently & Totally Disabled	County & State	State	State
OAA Old Age Assistance RSA 167:6, I	low income Adults, 65 and over	County & State	State	State
ANB Aid to the Needy Blind RSA 167:6, IV	low income Blind Adults	State	State	State
TANF Temporary Assistance to Needy Families 42 USC §601 RSA 167:6, V	low income Families with Dependent Children	State & Federal	State	Federal & State
FEDERAL				
Food Stamps 7 USC §2011	low income households	Federal	State	Federal
SSI Supplemental Security Income 42 USC §1831	low income	Federal	Federal	Federal

APPENDIX F

MANCHESTER, NH WELFARE DEPARTMENT

BASIC ALLOTMENT GUIDELINES

Effective October 2014



Family Size	State Food Food Stamp/ Monthly	Food/ Week	Food/ Day	Weekly** Maintenance	Week/ Child
1	\$ 194.00	\$ 45.00	\$ 7.00	\$ 10.00	\$ 15.00
2	\$ 357.00	\$ 83.00	\$ 12.00	\$ 12.00	
3	\$ 511.00	\$ 118.00	\$ 17.00	\$ 14.00	
4	\$ 649.00	\$ 150.00	\$ 22.00	\$ 16.00	
5	\$ 771.00	\$ 178.00	\$ 26.00	\$ 18.00	
6	\$ 925.00	\$ 214.00	\$ 31.00	\$ 20.00	
7	\$ 1,022.00	\$ 236.00	\$ 35.00	\$ 22.00	
8	\$ 1,169.00	\$ 270.00	\$ 40.00	\$ 24.00	

NOTE: The maintenance allowance will be apportioned according to the actual need at the time of application. Special circumstances may be considered in allowing allotments which exceed the above Guidelines.

RENTAL ALLOWANCE GUIDELINES

Effective October 2013

Number of Bedrooms	Minimal # of People		Weekly Allowance	Monthly Allowance
Rooming House	1+	\$ 130.00	including utilities	\$ 563.00
Studio	1+	\$ 162.00	including utilities	\$ 700.00
1	2	\$ 185.00	including utilities	\$ 800.00
2	3+	\$ 219.00	including utilities	\$ 950.00
3	4+	\$ 266.00	including utilities	\$ 1,150.00
4	6+	\$ 300.00	including utilities	\$ 1,300.00
5	8+	\$ 329.00	including utilities	\$ 1,425.00
6	9+	\$ 357.00	including utilities	\$ 1,545.00

When utilities are not included in the rent, the average monthly cost of all utilities will be added to the rent to determine if the total housing costs are within the Rental Allowance Guidelines as listed above.

Special circumstances may be considered in determining allowable rental amounts; however, it is the intent of the Welfare Department to pay the least amount of rent whenever possible for all clients.

APPENDIX G



City of Manchester, NH Welfare Department
1528 Elm Street, Manchester, NH 03101-1350
Telephone: 603-624-6484 Fax: 603-624-6423
Email: welfare@manchesternh.gov

Shelter Addendum to Notice of Decision

NAME: _____ DATE: _____

ADDRESS: _____ WORKER: _____

- You must immediately accept shelter housing when offered.
- You must immediately move into the shelter the day a room is available.
- You must stay in the shelter nightly until you have found permanent, affordable housing.
- You must cooperate fully with the shelter staff and/or agencies to assist you in locating permanent, affordable housing.
- You must abide by all housing rules/regulations as established by the shelter, hotel/motel, or any other temporary housing paid for by the City of Manchester Welfare Department.
- You and all those staying with you, including minor children, must behave in a manner that does not result in the management of the accommodations refusing to allow you to continue to stay at that location. Under no circumstances shall minor children be left alone or unsupervised.
- Under no circumstances shall you allow visitors, guests or any other person into your hotel/motel room, or allow visitors, guests or any other person to utilize accommodations paid for by the City of Manchester Welfare Department*.
- I understand that this is an addendum to my Notice of Decision dated _____, and I must refer to the Notice of Decision for all other requirements. I understand that if I fail to abide by this addendum the City of Manchester Welfare Department will not continue to provide emergency housing (shelter, hotel/motel, etc.), nor will the City of Manchester welfare Department be obligated to locate or provide payment for other temporary housing options. If I have otherwise complied with the requirements of my Notice(s) of Decision, I may be eligible for rental assistance to secure permanent affordable housing once I have located such. I acknowledge I have received a copy of this document for my records.

Client Signature

Date

Client Signature

Date

*

of Adults
18 years of age & older

of Children
17 years of age & under

Revised 02-25-15

APPENDIX H



City of Manchester N.H. Welfare Department

1528 Elm Street, Manchester, NH 03110-1510
Phone: 603-624-6484 Fax: 603-624-6423
Email: welfare@manchesternh.gov

Fair Hearing Request

Date: _____ Caseworker: _____

Name: _____

Address: _____

Contact Phone Number: _____

I hereby request a Fair Hearing to appeal the adverse action on the Notice of Decision

dated _____

Reason for Fair Hearing Request:

In order to request a Fair Hearing, the client must complete and return this form to the City of Manchester N. H. Welfare Office within five (5) working days starting with the date of the Notice of Decision at issue. A Fair Hearing will be scheduled within seven (7) working days upon receipt of this request. The client will be notified in a timely manner of the place, date and time of the hearing.

IF YOU ARE CURRENTLY RECEIVING ASSISTANCE, COMPLETE THIS SECTION.

I __want __do not want my current assistance to continue until my appeal has been decided. Continuance of my assistance is dependent upon keeping all scheduled appointments. I understand that if I lose my appeal, I will be obligated to repay the assistance provided to me by the City of Manchester during the time the appeal is being decided.

I have been given a copy of this Fair Hearing Request and a copy of the Fair Hearing procedures.

Client Signature

Date

Client Signature

Date

APPENDIX I



City of Manchester N.H. Welfare Department

1528 Elm Street, Manchester, NH 03110-1510

Phone: 603-624-6484 Fax: 603-624-6423

Email: welfare@manchesternh.gov

Fair Hearing Request Withdrawal

Date: _____

Caseworker: _____

Client/Claimant Name: _____

Client/Claimant Address: _____

Client/Claimant Contact Phone Number: (_____) _____

I hereby withdraw my request for a Fair Hearing to appeal the adverse action on the Notice of Decision issued to me dated _____ regarding my application for general assistance.

Client/Claimant Signature

Date

Client/Claimant's Authorized Representative Signature

Date

APPENDIX J
TITLE VI
PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS

91-A:5 Exemptions.

The following records are exempted from the provisions of this chapter:

- I. Records of grand and petit juries.
- II. Records of parole and pardon boards.
- III. Personal school records of pupils.
- IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.
- V. Teacher certification records, both hard copies and computer files, in the department of education, provided that the department shall make available teacher certification status information.
- VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
- VII. Unique pupil identification information collected in accordance with RSA 193-E:5.
- VIII. Any notes or other materials made for personal use that do not have an official purpose, including notes and materials made prior to, during, or after a public proceeding.
- IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of those entities defined in RSA 91-A:1-a.

Source. 1967, 251:1. 1986, 83:6. 1989, 184:2. 1990, 134:1. 1993, 79:1, eff. June 22, 1993. 2002, 222:4, eff. Jan. 1, 2003. 2004, 147:5, eff. Aug. 1, 2004; 246:3, 4, eff. Aug. 14, 2004.